

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
ALBANY, NEW YORK 12230

DEPUTY COMMISSIONER FOR
HIGHER AND PROFESSIONAL EDUCATION

October 21, 1981

No. 81-12

MEMORANDUM TO CHIEF EXECUTIVE OFFICERS
OF POSTSECONDARY INSTITUTIONS IN NEW YORK STATE

SUBJECT: REVISED GUIDELINES CONCERNING PROGRAM PURSUIT AND
SATISFACTORY ACADEMIC PROGRESS

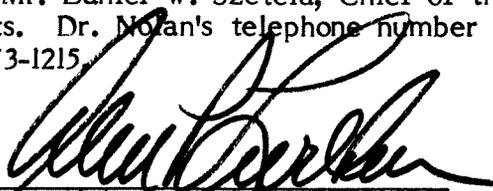
NEW INFORMATION CONCERNING THE SUPPLEMENTAL TUITION
ASSISTANCE PROGRAM (STAP)

In April of 1980, the Regents approved several amendments to the Regulations of the Commissioner of Education concerning postsecondary education. A number of those amendments dealt with State student financial assistance. In October 1980, Chief Executive Officer Memorandum #80-20 was distributed to provide guidance concerning implementation of the new student financial aid requirements.

During the 1981 legislative session the State Legislature considered a number of changes in the Tuition Assistance Program. Legislative consideration of the various proposals was concluded in July with the passage of the "TAP Bill". The bill was signed by Governor Carey as Chapter 724 of the Laws of 1981.

Chapter 724 made a number of important changes in the Tuition Assistance Program. It also required that certain revisions be made in the regulations concerning program pursuit and satisfactory academic progress originally adopted last April. The Regents approved these revisions at their July, 1981 meeting. The purpose of this memorandum and guidelines is to comment on the recent revisions in the Regulations, and to provide information regarding an important new financial assistance program established by Chapter 724 -- the Supplemental Tuition Assistance Program (STAP). Please note that the Guidelines issued in October 1980 remain in effect with respect to the following items: definition of full-time study; duplicative awards; theological study; and five-year programs.

As always, we stand ready to respond to any questions you may have concerning the recent changes in State student aid. Your letters should be directed to Dr. Donald J. Nolan, Assistant Commissioner for Higher Education Academic Review, Room 5A47 Cultural Education Center, Albany, New York 12230. Phone calls can be directed either to Dr. Nolan or Mr. Daniel W. Szetela, Chief of the Bureau of Academic Information and Reports. Dr. Nolan's telephone number is (518) 474-8299; Mr. Szetela's number is (518) 473-1215.


Alvin P. Lieberheimer
Acting Deputy Commissioner for
Higher and Professional Education

Attachments

IMPORTANT

- REVISED GUIDELINES FOR IMPLEMENTATION OF REGULATIONS CONCERNING PROGRAM PURSUIT AND ACADEMIC PROGRESS
- NEW INFORMATION CONCERNING THE SUPPLEMENTAL TUITION ASSISTANCE PROGRAM (STAP)

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office of Higher and Professional Education
Albany, New York 12230
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INTRODUCTION

The purpose of this paper is to comment on recent revisions to the Regulations of the Commissioner of Education concerning program pursuit and satisfactory academic progress. These revisions were necessitated by the enactment of Chapter 724 of the Laws of 1981. The paper also outlines a new student aid program established by Chapter 724, the Supplemental Tuition Assistance Program (STAP). The guidelines concerning program pursuit and satisfactory academic progress in this paper replace those originally provided with Chief Executive Officer Memorandum #80-20 dated October 10, 1980.

I. CHAPTER 724 OF THE LAWS OF 1981 - AN OVERVIEW

Chapter 724 of the Laws of 1981 makes a number of important changes in programs of State support to higher education. Two of these changes are dealt with in detail in this paper. They are:

- (1) limitations on the application of new regulations concerning program pursuit and satisfactory academic progress
- (2) establishment of a new award program entitled Supplemental Tuition Assistance Program (STAP)

Other provisions of Chapter 724 which will not be detailed in this paper deal with adjustments in the Tuition Assistance Program schedule of awards and income requirements, and a new program through which the State will provide matching funds needed by independent institutions participating in the College Work-Study Program. These two aspects of Chapter 724 will be dealt with in materials issued by the Higher Education Services Corporation and in a separate State Education Department memorandum to Chief Executive Officers.

II. ACADEMIC REQUIREMENTS FOR AWARD ELIGIBILITY

Chapter 724 of the Laws of 1981 provides that Commissioner's Regulations concerning program pursuit and satisfactory academic progress shall apply only to students receiving their first State award in school year 1981-82 or thereafter. Legislative leaders who sponsored Chapter 724 explained that students who received their first State award prior to the 1981-82 school year should continue to be governed by the former requirements of Attendance and Good Academic Standing. This element of Chapter 724 necessitated an immediate revision of Section 145-2.2 of the Regulations of the Commissioner concerning program pursuit and satisfactory academic progress. The Regents approved the needed revision at their July meeting. The revised text of Section 145-2.2 is attached to this paper as Attachment A. When deciding which set of regulations a student must meet, institutional officials and students should be guided by the following explanation, which we understand is the correct interpretation of Chapter 724.

1. All award recipients who received their first State award for a term during which the new higher TAP award schedule and STAP program were not in effect will continue to be subject to the former requirements of Attendance and Good Academic Standing. Throughout these guidelines this group of students will be referred to as "students who received their first State award prior to the 1981-82 school year."

2. All award recipients who received their first State award for a term during which the new higher TAP award schedule and STAP program were in effect will be subject to the new requirements of Program Pursuit and Satisfactory Academic Progress. Throughout these guidelines this group of students will be referred to as "students receiving their first State award for the 1981-82 school year or thereafter."

If at any time institutional officials or students become confused over the interpretation and application of Chapter 724 and the academic requirements of Commissioner's Regulation 145-2.2, they should look to the above explanation for guidance. Additionally, we understand that beginning in the Fall of 1981, the Higher Education Services Corporation will indicate on all payment rosters those students "receiving their first State award for the 1981-82 school year or thereafter." Requirements for the two groups of students addressed in Chapter 724 and the revised regulations are detailed below.

A. Students who received their first State award prior to the 1981-82 school year

Students who received their first State award prior to the 1981-82 school year will continue to be subject to the requirements of Attendance and Good Academic Standing. The requirement for Attendance, as set forth in Section 145-2.2, is as follows: "Failure of the student to pursue the program of study will result in the loss of eligibility to receive an award. The institution, in recording and reporting student academic progress, shall take cognizance of attendance as it relates to progress." In advising students concerning the Attendance requirement, institutions should be guided by the following interpretation of this regulation which the Commissioner has made in response to an inquiry from the Office of the State Comptroller: ". . . if a student signs up for 12 credits and then drops all those courses, he is not pursuing a program and TAP eligibility is, therefore, lost for that semester." With this interpretation in mind, institutions should not certify as eligible a student who has already withdrawn from all coursework prior to the certification date. Students who have been properly certified but who withdraw from all of their work after the certification date have not, in terms of the Attendance regulation, maintained "eligibility to receive an award." Effective for terms beginning with Spring 1982, the Office of the State Comptroller may require that such students return their award for the term in question.

The second requirement that students who received awards prior to the 1981-82 school year must meet is the test of Good Academic Standing. The Regulation provides that Good Academic Standing ". . . means that (i) the institution maintains a formal, published statement of its requirements for the maintenance of good academic standing, (ii) the student is matriculated at the institution, and (iii) the institution has determined that the student meets its standards for good academic standing." In order to ensure compliance with this requirement, institutions must establish standards of Good Academic Standing for the purposes of maintaining eligibility for a State award. An institution is free to adopt a statement which it feels is reasonable. The statement, however, should be available in writing so that it may be reviewed by staff of the Office of the State Comptroller when conducting reviews of the Tuition Assistance Program. In order to safeguard against possible audit disallowances, institutions should formally adopt a standard of Good Academic Standing and ensure that all students receiving State support meet the established standard. The Office of the State Comptroller informs us that in future audits of TAP for 1981-82 and subsequent years, they ". . . will hold the schools to the published statements." The Comptroller has further indicated that failure to have or apply such statements when certifying student eligibility may result in a disallowance.

Institutions may establish definitions for purposes of State support which are different from their normal academic statements of Good Academic Standing. Keep in mind that these statements apply only to students who have received their first State award prior to the 1981-82 school year. A separate set of requirements exists for students who receive their first award for the 1981-82 school year or thereafter. Some institutions have expressed concern that the action of the Legislature will require two sets of standards. If they wish, institutions may avoid this problem by adopting as their standard of good academic standing for previous awardees the same provisions of program pursuit and academic progress which will apply to students receiving their first award for the 1981-82 school year or thereafter.

B. Students receiving their first State award for the 1981-82 school year or thereafter

Students receiving their first award for the 1981-82 school year or thereafter have to meet the new requirements of program pursuit and satisfactory academic progress which became effective September 1, 1981. These requirements were first detailed in the guidelines distributed with Chief Executive Officer Memorandum #80-20, dated October 10, 1980. The guidelines concerning program pursuit and satisfactory academic progress in this paper replace those dated October 10, 1980. In implementing the requirements institutions should be guided by the following information.

Statutory Provisions

Articles 13 and 14 of Education Law state that payments of State student financial assistance shall be suspended for any student who loses good academic standing. The statute also requires the Commissioner of Education to define loss of good academic standing. Section 145-2.2(b) addresses the issue by providing that to maintain good academic standing a student receiving a general or academic performance award must: (1) pursue the program of study in which he or she is enrolled, and (2) make satisfactory academic progress toward the completion of his or her program's requirements. The two elements of program pursuit and satisfactory academic progress must be met for each term of study in which a State award is received.

Periodic Review

The Regulations require that an institution review student compliance with program pursuit and satisfactory academic progress ". . . at the end of each academic year." The Office of the State Comptroller has informed us, however, that this provision is preempted by statutory requirements that require certification to occur on a term-by-term basis. Since good academic standing is one of the eligibility requirements which, by law, must be part of the certification process, the Comptroller advises that pursuit and progress be verified at the end of each term. Failure to do so could result in a subsequent audit disallowance.

Loss and Reinstatement of Student Eligibility

The penalty for loss of good academic standing, as set forth in statute, is suspension of a student's award. Commissioner's Regulations implement the statutory requirement by providing in Section 145-2.2(b) as follows:

- (2) Following a determination that the recipient of an award has lost good academic standing, further payments under the award shall be suspended until the student is restored to good academic standing by either:
- (i) pursuing the program of study in which he is enrolled and making satisfactory progress toward the completion of his program's academic requirements for a period of one term; or
 - (ii) establishing in some other way, to the satisfaction of the commissioner, evidence of his ability to successfully complete an approved program.

In general, students who lose good academic standing must seek reinstatement in accordance with subparagraph (i) above. Subparagraph (ii) exists to provide a way for students who have lost good academic standing and who either are transferring to another institution, or wish to return to college after an absence of at least a year, to regain good standing. For such students the detailed record of the student's readmission to the institution, or admission to another institution, will meet the statutory requirement that a TAP eligible student show evidence of his ability to successfully complete an approved program. The admissions record should show that the institution has given due consideration to the student's prior loss of good academic standing and has determined, in accordance with Section 52.2(d)(2), that the student can benefit from study at the institution and that the institution will provide the "instructional and other support the student needs to complete the program." Institutions which reinstate a student after a period of absence, or accept in transfer a student who has lost good academic standing at another school, must maintain a clear, accurate, and complete admissions record for such students. Failure to maintain a record indicating that the student's special circumstances (as known to the institution) were considered, and that the institution has planned a program of study to remedy academic weaknesses, may lead the Office of the State Comptroller to assess an audit disallowance against the institution.

→ Program Pursuit and Passing Or Failing Grades

The Regulations define program pursuit as receiving a passing or failing grade in a certain percentage of a full-time courseload. The percentage increases from 50 percent of the minimum full-time load in each term of study in the first year for which an award is made, to 75 percent of the minimum full-time load in each term of study in the second year for which an award is made, to 100 percent of the minimum full-time load in each term of study in the third and each succeeding year for which an award is made. Institutions should review their grading practices and bring to the Department's attention any grades which are not clearly passing or failing. Generally the Department will accept as a passing or failing grade the grades of A through F and any grade which indicates that the student: (1) attended the course for the entire semester, AND (2) completed all necessary assignments. (For example, a grade of R, indicating that a student completed all work but not in an acceptable fashion and therefore has to repeat the course, would be acceptable. An S grade, indicating that a student has successfully completed a developmental non-credit course would also be acceptable.) Grades of Incomplete would only be acceptable if automatically changed to a standard passing or failing grade before the completion of the next term of study. Grades of W (Withdrawal) do not constitute grades which indicate that the student passed, failed, or completed all work in a course and cannot be counted toward meeting the program pursuit requirement.

Approval of Progress Standards

Subdivision (b) of Section 145-2.2 defines standards of satisfactory academic progress and requires that institutions use only standards that have been approved by the Commissioner. The standards are not required for general institutional purposes, but must be used to determine student eligibility for State awards. Of course, institutions may use these standards for general purposes if they wish.

While institutional calendars and academic terminology will differ, each institution's standard should be represented by an objective measure which, according to the regulations:

"shall include, but need not be limited to:

- (i) the minimum number of credits earned, or courses successfully completed, at each interval; and
- (ii) the minimum cumulative grade point average or similar measure at each interval."

Institutional standards of satisfactory academic progress should generally take the form of a chart which displays for each payment sought how many credits a student must have accumulated — and with what grade point average — if he is to be eligible for a State award. (Note: Incomplete grades and non-credit remedial work should not be included in computing the number of credits accumulated or the grade point average.) Attachment B to this memorandum is a sample of a standard of satisfactory progress for students in a four-year baccalaureate program at an institution with a semester calendar. Please refer to this chart throughout the discussion of "Program Pursuit and Academic Progress." Also attached for your reference are sample charts for associate and graduate programs. Please note: The Attachments under B are only samples.

Failure to Make Progress

To be eligible for his first payment, a student is not expected to have earned any college credits. In the sample (Attachment B) a student who has received three semester payments of TAP must have accumulated 21 credits with a 1.30 GPA in order to be eligible for a fourth semester payment. If the student had accrued only 15 credits he would not be making satisfactory progress and therefore would lose Good Academic Standing (see Section 145-2.2(b)(1)). Normally, the student's State award would be suspended until he had accrued (through part-time study, proficiency exams, or some other means) six additional credits. Once he had accrued a total of 21 credits he would become eligible for a fourth semester payment. Alternatively, if an institution determines, in accordance with established procedures, that a one-time waiver⁽¹⁾ of normal program pursuit and academic progress requirements would be in the best interests of the student, such waiver may be granted in accordance with paragraph (5) of subdivision (b) of Section 145-2.2 of the Regulations thereby enabling the student to become eligible for a fourth payment without delay. When the waiver has been granted for failure to make progress, the student is expected to use the term to advance to the level he could

(1) For a full discussion of the waiver, see Page 8 and also Attachment C.

not achieve without the waiver. Thus, in this example the student would need to earn six credits during the term for which the waiver was granted, thereby reaching the threshold of 21 credits. This, of course, will result in the student's position on the schedule, and the actual number of payments received not lining up. After waiver of satisfactory academic progress has been received, the headings on the top row of a student's schedule of progress might best be read as "next payment" rather than fourth, fifth, etc. The total number of semesters of eligibility for a State award, however, is not changed by the waiver. Use of the waiver because of failure to maintain program pursuit will not change the alignment of a student's position on the schedule and the actual number of payments received.

Transfer Student Eligibility

Transfer students⁽²⁾, and students readmitted after a period of absence of at least one year from college, must be considered using slightly different procedures than for students in continuing status. For example, when a student transfers from a TAP-eligible program at one institution to another TAP-eligible program at a second institution, the receiving institution must evaluate that student's academic and, to the extent possible, financial aid record. The receiving institution will make a determination that the transfer student is able to benefit from, and is admissible to, the new program of study. In the course of that evaluation the institution assigns a certain number of credits it is willing to accept in transfer from the student's previous study. That assessment and information concerning the number of awards the student had previously received will be used to place the student at the appropriate point on the institution's schedule of academic progress. Placement may be either in accord with the number of payments received or number of credits earned -- whichever is more beneficial to the student. The point at which the transfer student is placed, and the actual number of payments he has received, may not line up. For the transfer student, as for the student who has received a waiver of satisfactory progress, the headings in the top row of the schedule of progress might, in some cases, be read as "next payment" instead of first, second, etc. The following examples illustrate the point.

An institution using the sample schedule (Attachment B) accepts 33 credits from transfer student Mr. Jones -- a student who has previously received six TAP awards. The school would place Mr. Jones at the point on the schedule which is "most beneficial." In this case, the most beneficial placement would be based on credits earned, not payments received. Mr. Jones would be placed at the point closest to, but not greater than, 33 credits. The school would do this regardless of the actual number of payments Mr. Jones had received. He would be certified for an initial TAP payment at the school. To receive a subsequent TAP payment at that institution Mr. Jones must make progress in accordance with the institution's standards. To receive his "next payment," Mr. Jones would need a total of 45 credits.

(2) In this section "transfer student" means a student who is moving from one institution to another institution which he did not previously attend. Students moving from program to program, or school to school, within an institution should not be considered as transfer students. For purposes of these guidelines, students returning to a school they previously attended are readmitted students -- not transfer students.

In another example, Ms. Brown transfers from a diploma school of nursing where she completed one year of study with TAP support. She is accepted without advanced standing in a liberal arts college where she is majoring in English. Applying the principle of "beneficial placement," Ms. Brown, having received no credit, would be placed on the first payment level of the schedule of progress.

In another case, Mr. Smith transfers to a different institution bringing with him a record of 60 credits and three payments. He would be placed on the schedule of progress at the point of "fourth payment."

Mr. Jones, Ms. Brown and Mr. Smith have a financial aid record as well as an academic record. Mr. Jones received six TAP payments at his first college before transferring to the second institution. Because of his poor academic performance he would not be eligible for a seventh TAP payment on his first college's schedule of progress. By transferring he has had his eligibility restored for at least one semester. Even though he will be placed at the point entitled "fifth TAP payment" he will, in fact, be receiving his seventh TAP payment as far as the State of New York is concerned. In order to receive a subsequent payment he must make progress as defined by the institution he is currently attending. In any event Mr. Jones is limited to four years of undergraduate TAP and the records of the Higher Education Services Corporation will track Mr. Jones' State financial aid record through his academic career.

Ms. Brown received two TAP payments while attending the hospital school of nursing. Her transfer was, in effect, a change in her career goals. This has put her on the college's schedule at the first point; i.e., as an entering freshman receiving what the college would call her "first TAP payment." In fact, she will be receiving her third TAP payment from the State. As was the case with Mr. Jones, she is limited to a total of four years of undergraduate TAP payments.

Mr. Smith earned credits at a much faster pace than the minimum required for TAP. He has already met the progress requirement for his next four payments. However, during the next four terms for which he receives aid, he will still have to meet pursuit of program requirements.

In assessing the financial aid record of transfer students, the receiving institution should consider how many payments the student has previously received and whether or not the student has used his or her "waiver." The Higher Education Services Corporation will provide payment information and waiver information to institutions.

Minimum Standards

In developing standards of satisfactory academic progress, institutions should be guided by the knowledge that the Commissioner will not approve a standard which allows a student more than 10 semesters (or the equivalent in five academic years) to accumulate 120 credits, with a grade point average of 2.0, in a typical baccalaureate degree program. Similarly, the Commissioner will not approve a standard which allows a student more than 6 semesters (or the equivalent in three academic years) to accumulate 60 credits, with a grade point average of 2.0, in a typical Associate degree program. Note, however, that only those opportunity/developmental students who are in State supported five-year programs (i.e. SEEK, EOP, and HEOP) are eligible for five years of undergraduate Tuition Assistance Program support. Students in other baccalaureate programs are usually not eligible for the fifth year of undergraduate TAP support.

Waiver Procedures (See also Attachment C)

When institutions are developing their standards of satisfactory academic progress, they should note that the Commissioner has provided the only way in which an exception to the approved standard may be made. A standard of satisfactory academic progress should be absolute except when waived in accordance with paragraph (5) of subdivision (b) of Section 145-2.2 as follows:

- (5) The provisions of paragraphs (3) and (4) of this subdivision 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 interest 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.

This provision allows a student no more than one waiver as an undergraduate, and one as a graduate student. (The single waiver may be used if the student fails to pursue, fails to make progress, or fails to meet both of these elements of good standing. Pursuit and progress may not be waived separately for different terms.) When granting waivers pursuant to this provision, institutions should exercise careful judgment. Each institution should establish clear, published criteria concerning the granting of waivers. For each waiver granted, a clear, accurate, and complete record should be maintained. If an institution grants waivers without regard to its published policy, if it does not have such a policy, if it does not maintain a case record, or if it grants a waiver to a student who has already received one waiver at his current level, the Office of the State Comptroller may assess an audit disallowance against the institution.

Appropriate institutional officials must discuss with the student the granting of a waiver before any waiver is actually granted. Each student is only allowed one waiver as an undergraduate, and one waiver as a graduate student. As described on page 6, use of the waiver may have the effect of extending a student's schedule of progress by one term. Use of the waiver is an important option to the student, and should only occur in the student's best interest and with the student's concurrence. For example, a student who is one credit short of the required number of credits for her next payment may not want to use the waiver, but instead may take a summer course at her own cost to regain eligibility.

In light of concerns about the waiver which have been expressed by both institutions and State agencies, additional detailed guidelines have been prepared. These guidelines, which are appended to this paper as Attachment C, were reviewed and approved by the Commissioner's Advisory Council on Postsecondary Education. They should serve institutions as a point of departure in exercising the waiver responsibility.

~~III. THE SUPPLEMENTAL TUITION ASSISTANCE PROGRAM (STAP)~~

~~Background~~

PROGRAM CHANGED

~~Chapter 724 of the Laws of 1981 establishes a new student aid program entitled the Supplemental Tuition Assistance Program (STAP). This is a special program designed to provide additional State support for undergraduate students who are educationally disadvantaged.~~

There are certain technical problems in the language relating to STAP in Chapter 724. Sponsors of the legislation intend that a chapter amendment will be passed at the fall legislative session to correct these deficiencies. Therefore, we have prepared these guidelines in accordance with both the language of the STAP legislation (see Attachment D) and the legislative intent to change it. Institutions needing additional guidance or clarification concerning STAP are encouraged to contact the State Education Department for assistance.

Who is eligible for a STAP award?

In order to be eligible for a STAP award, a student must be receiving his first State award during the 1981-82 school year, (which according to Education Law begins July 1), or thereafter. The STAP legislation further provides that a student ". . . must qualify as educationally disadvantaged pursuant to the laws, rules, and regulations governing the Higher Education Opportunity Program, Educational Opportunity Program, the Search for Education, Elevation and Knowledge Program, or the College Discovery Program." In other words, to be eligible for STAP, a student must meet the educational criteria in use for participation in HEOP, EOP, SEEK, or College Discovery. The student need not actually be in one of these opportunity programs, nor must he meet other program criteria such as "economic disadvantage." Public institutions should rely on their respective Central Offices and Boards of Trustees for the definition of "educationally disadvantaged." Independent institutions will be governed by the definition of educationally disadvantaged used in the HEOP program, as provided for by the Board of Regents in Section 27-1.1a of the Rules of the Regents. (See Attachment E). Independent institutions should also be cognizant of guidelines concerning this Regents Rule which are issued by the Department's Bureau of Higher Education Opportunity Programs. The current guidelines are attached as Attachment F. (Note: These guidelines may be amended periodically. Any substantive changes will be shared with the field via subsequent CEO memoranda.)

What other requirements must a STAP eligible student meet?

The STAP legislation provides that the program ". . . shall be governed by all laws, rules, and regulations pertaining to the tuition assistance program . . ." However, it is clear from both other provisions of the law and planned chapter amendments that there are two key exceptions to the requirements of the TAP program for STAP eligibility:

1. Students receiving STAP will not have to meet the requirements of Section 145-2.2 of Commissioner's Regulations concerning program pursuit and satisfactory academic progress for the terms during which STAP is received.
2. Students receiving STAP must carry a "remedial workload" as defined by the Commissioner.

The Legislative sponsors intend that the Commissioner's definition of remedial workload shall provide that at least one half of the minimum full-time courseload shall consist of remedial (i.e. non-credit) coursework. Furthermore, STAP students may take their entire full-time courseload in non-credit work, if necessary.

As soon as the intended chapter amendment is enacted, Commissioner's Regulations which define full-time study will be revised. Until new regulations have been adopted, institutions should be guided by the legislative intent that at least half of a STAP student's minimum full-time courseload should consist of non-credit remedial work. Further, a STAP student's entire full-time courseload may be non-credit remedial work, if necessary to address the student's educational deficiencies.

For how long may a student receive STAP?

A student may receive up to one "annual" STAP award. As is the case with TAP, the annual award is prorated over the terms of study in the year. Thus, a student attending a semester based institution could receive two semesters of STAP support; a student attending a trimester (quarter) institution would be eligible for three STAP awards; and a student attending a uniterm institution would receive one STAP payment.

Are subsequent program pursuit and satisfactory academic progress requirements affected by a student's participation in STAP?

The STAP legislation provides that a student receiving a STAP award is not subject to program pursuit or satisfactory academic progress requirements during the terms for which STAP is received. Does participation in STAP have a subsequent effect on requirements for program pursuit and academic progress? For example, if a student begins his studies by receiving a year of STAP, does he face a 50% or a 75% pursuit requirement for his next year of study (i.e. his second year of State support, but his first year of TAP)?

The Commissioner's Regulations defining pursuit of program stipulate a 75% pursuit rate for each term of study during the second year for which an award is received. However, this regulation preceded the establishment of the STAP program. To be consistent with the STAP legislation, the reference in Commissioner's Regulations to "year for which an award is received", should be read "year for which an award other than STAP is received." Therefore, a STAP student receiving his first year of TAP will be subject to a 50% program pursuit requirement. Similarly, STAP students who seek their first TAP award will have to meet the academic progress requirements for "first payment" (not third payment) on a semester institution's schedule of satisfactory academic progress. Once again, the payment referred to here should be payment not including STAP.

Can a student receive STAP after having received TAP?

Can a student who begins his studies by receiving TAP later receive a STAP award? There is no prohibition against a student receiving a STAP award after having received one or more TAP payments. The STAP legislation indicates that to be eligible for STAP a student must be educationally disadvantaged in accordance with the provisions for State-funded opportunity programs. Current definitions of "educationally disadvantaged" were written before enactment of the STAP program. Therefore, they do not provide either uniform or unequivocal guidance on the point of receiving STAP after having received TAP. In light of STAP, some reconsideration of the current definitions of educationally disadvantaged might be needed. Until such time as definitions have been reviewed, and, if necessary, revised, institutions should be guided by the language that is currently in effect for their appropriate sector.

More information to come regarding STAP

Given the relatively brief period between the signing of Chapter 724 and the beginning of the Fall 1981 term, it has been extremely difficult for both State agencies and higher education institutions to "gear up" for STAP. We have provided above all of the information we have, as of the first weeks of the Fall term, concerning this program. As we learn more about STAP we will make additional information available through subsequent Chief Executive Officer memoranda and/or workshops.

ATTACHMENT A

Section 145-2.2 of the Regulations of the Commissioner of Education
as Amended Effective September 1, 1981

145-2.2 Program pursuit and academic progress.

(a) For the purposes of Articles 13 and 14 of the Education Law, students who have received a State award prior to September 1, 1981, shall meet the following academic requirements:

(1) Attendance. Failure of the student to pursue the program of study will result in the loss of eligibility to receive an award. The institution, in recording and reporting student academic progress, shall take cognizance of attendance as it relates to progress.

(2) Good academic standing. Good academic standing, where required by law, means that (i) the institution maintains a formal, published statement of its requirements for the maintenance of good academic standing, (ii) the student is matriculated at the institution, and (iii) the institution has determined that the student meets its standards for good academic standing.

(b) For the purposes of Articles 13 and 14 of the Education Law, students who receive their first State award during the 1981-82 school year and thereafter shall maintain good academic standing.

(1) Loss of good academic standing shall be determined at the end of each academic year, and shall mean that during any term of the academic year a student has either:

(i) failed to pursue the program of study in which he is enrolled, as determined pursuant to paragraph (3) of this subdivision; or

(ii) failed to make satisfactory progress toward the completion of his program's academic requirements, as determined by paragraph (4) of this subdivision.

(2) Following a determination that the recipient of an award has lost good academic standing, further payments under the award shall be suspended until the student is restored to good academic standing by either:

(i) pursuing the program of study in which he is enrolled and making satisfactory progress toward the completion of his program's academic requirements for a period of one term; or

(ii) establishing in some other way, to the satisfaction of the commissioner, evidence of his ability to successfully complete an approved program.

(3) Except as provided for in paragraph (5) of this subdivision, 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 pursuant to section 145-2.1 of this Subpart;

(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 pursuant to section 145-2.1 of this Subpart;

(iii) during each subsequent term of study 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 pursuant to section 145-2.1 of this Subpart.

(4) Except as provided for in paragraph (5) of this subdivision, to determine whether a student receiving an award is making satisfactory progress toward the successful completion of his program's academic requirements, each institution shall establish and apply a standard of satisfactory academic progress which includes required levels of achievement to be measured at stated intervals. Criteria for achievement shall include, but need not be limited to:

ATTACHMENT B-1

STANDARD OF SATISFACTORY ACADEMIC PROGRESS FOR PURPOSE OF DETERMINING ELIGIBILITY FOR STUDENT AID

Calendar: Semester

Programs: Associate Degrees & Certificate Programs

BEFORE BEING CERTIFIED FOR THIS PAYMENT	First	Second	Third	Fourth	Fifth	Sixth
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	0	3	9	18	30	45
WITH AT LEAST THIS GRADE POINT AVERAGE	.0	.5	.75	1.3	1.5	1.7

ATTACHMENT B-2

STANDARD OF SATISFACTORY ACADEMIC PROGRESS FOR PURPOSE OF DETERMINING ELIGIBILITY FOR STUDENT AID

Calendar: Semester

Programs: All Graduate Level Programs

	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth
BEFORE BEING CERTIFIED FOR THIS PAYMENT								
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS*	0	6	12	21	30	45	60	75
WITH AT LEAST THIS GRADE POINT AVERAGE	0	2.0	2.5	2.75	3.00	3.00	3.00	3.00

*This includes successful completion of credit-equivalent work as set forth in 145-2.1 of the Commissioner's Regulations

ATTACHMENT C

DETAILED GUIDELINES CONCERNING USE OF THE WAIVER

Introduction

This Attachment comments on the use of the waiver as provided for in Section 145-2.2(b) (5) of the new regulations. The regulation states that requirements for program pursuit and satisfactory academic progress ". . . 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 interest of the student." While the regulation does not mandate prior approval of an institution's waiver criteria and procedures, it does provide that the Commissioner may require schools to revise criteria and procedures that are "found to be not acceptable." The following discussion should guide institutions in the development and use of waiver procedures. Staff of the Office of the State Comptroller will review adherence to these guidelines when conducting audits of State student financial aid programs.

Origin of the Waiver Provision

In developing and applying waiver procedures, institutions should be guided by an understanding of the origin of Section 145-2.2(b) (5). The initial draft of the revised regulation did not include a provision for waiving program pursuit or satisfactory academic progress requirements. The point most frequently made in testimony concerning the draft regulations was that some allowance should be made for "exceptional or extraordinary cases." It was argued that due to circumstances beyond his control, an otherwise serious and successful student could have one "bad term." Requests were made for a means of handling these "special cases." The Department was convinced by this testimony to include a one-time waiver in the revised regulations.

Use of the Waiver

The waiver provision does not exist to provide one additional term of eligibility for all students who fail to meet pursuit or progress requirements. It is expected that most students who fail to meet pursuit or progress requirements will not be granted the waiver and hence will not receive any further State awards until they have regained good academic standing. The waiver is to be used only in exceptional cases. In considering granting the waiver, these principles should be kept in mind:

Mr. G, on the other hand, has faced substantial academic difficulty. After two terms of study he has accrued only six semester hours of credit with a GPA of .50. He has fallen below his institution's requirement for satisfactory academic progress. Additionally, he failed to meet program pursuit requirements in his second term. Unless the waiver is employed, he cannot be certified for a third State award. On further review, it is found that Mr. G was admitted provisionally to the institution and has failed to attend and complete a number of non-credit remedial courses which were thought essential for his successful completion of a collegiate curriculum. Barring any evidence which would weigh heavily in his favor, Mr. G should not be granted a waiver and should not receive a State award for his next term of study.

A third student, Mrs. L, has just completed her fourth term of study. It was "disastrous." In that term she either received an incomplete or withdrew from every course in which she was enrolled. Mrs. L failed to meet both program pursuit and academic progress requirements during this term. In considering use of the waiver, it is learned that Mrs. L's husband recently passed away and she has faced serious family and financial problems. A review of her records shows that with the exception of the "disastrous" fourth term, she had been meeting minimum standards. While her progress has been marginal, the institution determines that Mrs. L has an excellent chance of resuming normal pursuit and progress requirements in her fifth term. Her prospects for earning a degree are good, and the institution, therefore, grants her a waiver.

We realize that many cases will be more complex than the above examples. The Department does not intend to substitute its judgment concerning a student's best interest for that of the institution. We do expect, however, that institutions will exercise this authority judiciously.

Summary

Institutions should develop and publish policies which include clearly stated criteria and procedures for the granting of waivers. Waivers should only be granted after an investigation of the facts concerning a student's failure to meet pursuit or progress requirements. A complete case record should be maintained for students who receive the waiver. Failure on the part of an institution to adhere to published policies, criteria, and procedures for the granting of waivers, or to maintain necessary documentation may result in an audit disallowance. Although waivers may only be granted with the concurrence of the student, institutions have the right and responsibility to deny the waiver when such denial is consistent with their published policy.

ATTACHMENT D

Supplemental Tuition Assistance Program - Enabling Legislation

667-a. Supplemental tuition assistance program. 1. Legislative intent. The legislature hereby finds that to further the goal of equal opportunity it is necessary to assure the availability of supplemental assistance for the successful remediation of educationally disadvantaged students in addition to assistance currently available under existing statute for students with financial need. Accordingly, tuition assistance shall be extended to students whose need for remediation precludes them from fulfilling the program pursuit and academic progress requirements of the tuition assistance program.

2. Operation. (a) The supplemental tuition assistance program shall be governed by all law, rules and regulations pertaining to the tuition assistance program provided however that, notwithstanding any law, rule and regulation to the contrary, eligibility for supplemental tuition assistance program awards shall be limited to any undergraduate student receiving aid under this article for the first time during school year nineteen hundred eighty-one-nineteen hundred eighty-two or thereafter who meets both of the following conditions:

(i) The student must qualify as educationally disadvantaged pursuant to the laws, rules and regulations governing the higher education opportunity program, educational opportunity program, the search for education elevation and knowledge program or the college discovery program.

(ii) The student must remain in full time attendance and carry a remedial workload, as defined by the commissioner, which precludes the fulfillment of the program pursuit and academic program requirements of the tuition assistance program.

(b) Students who meet the conditions described in paragraph (a) of this subdivision shall be eligible to receive up to two supplemental tuition assistance program awards in addition to those tuition assistance program awards specified in subdivision two of section six hundred sixty-seven of this article.

3. Program pursuit and academic progress requirements of the tuition assistance program. Notwithstanding any law, rule or regulation to the contrary, department of education regulation 145-2.2 filed April twenty-eighth, nineteen hundred eighty, shall apply only to those undergraduate students receiving aid under this article for the first time during school year nineteen hundred eighty-one--nineteen hundred eighty-two and thereafter.

ATTACHMENT E

Definition of Educationally Disadvantaged for Independent and Private Institutions

Rules of the Board of Regents

Section 27-1.1(a) Definition: educationally disadvantaged. Each institution shall establish its own criteria for predicting a student's probability of academic success. The basic test of educational disadvantage is nonadmissibility, by the college's normal admissions standards, to the college at the matriculated status in a degree program. Recipients of Regents scholarships won in countywide competitions are not eligible. Students who previously attended another institution at which they were enrolled in an opportunity program, the eligibility criteria of which are substantially similar to the HEOP eligibility criteria of the school at which they matriculate, may be eligible for the benefits of the HEOP program at the latter institution.

ATTACHMENT F

HEOP GUIDELINE (1981-82)

CONCERNING THE DEFINITION OF EDUCATIONALLY DISADVANTAGED

Definition: Educationally Disadvantaged:

1. Objective Criteria

- a. Non-admissibility. Regents Rules state that "the basic test of educational disadvantage is non-admissibility by the college's normal admissions standards to the college at a matriculated status in a degree program." A further proof of academic eligibility is non-admissibility to the degree program for which application is made.
- b. Regents Scholarships. Recipients of Regents Scholarships and Regents Nursing Scholarships won in county-wide competition are not eligible. However, Honor recipients of Regents Scholarships won in local school competition are eligible for consideration.

2. Subjective Criteria

Since objective criteria alone cannot predict the success of the HEOP students, subjective evaluations are also important. Letters of recommendation and personal interviews should be used when possible.

Essentially, the decision to admit each applicant should be based on a complete evaluation of the objective educational and economic information, as well as on the supporting subjective evaluations.

3. Open Admissions

At independent institutions, for HEOP eligibility purposes, open admissions is defined as a non-competitive selection process which permits the admission of applicants regardless of their previous academic credentials or experiences. Generally, the only bases for rejection are serious social or psycho-

logical problems, as determined by the institution to which a student applies. Students selected under open admissions are tested for academic preparedness and, if necessary, are offered remedial and other supportive services necessary to do college level work.

In order to be considered for HEOP eligibility at an open admissions institution, a student must meet one of the following criteria:

- a. Possess a non-academic high school diploma (although requirements for an academic diploma may vary somewhat, the following high school unit accumulations are suggested as a guide: 4 years of English; 3 years of history; 2 years of math; 2 years of science; and 2 years of a foreign language); or
- b. Possess a high school equivalency diploma; or
- c. Possess the equivalent of a GED; or
- d. Have no high school diploma.