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To: Chief Executive Officers/Presidents of Institutions of Higher Education in New York State

From: John L. D'Agati 

Subject: Requirements related to Tuition Assistance Program (TAP) awards in relation to high school equivalency and on-line diplomas

I am writing to share with you important information concerning ongoing misunderstandings regarding high school equivalency and on-line high school diplomas. The definitive guidance for eligibility for the Tuition Assistance Program (TAP) is contained in New York State Education Law, specifically Sections 661-665a. These sections outline the eligibility requirements needed for participation. In addition, further clarification, where needed, is provided in the Commissioner's Regulations. These regulations provide additional guidance in relation to meeting the criteria established by statute:

§661. Eligibility requirements and conditions governing awards and loans.

...

4. Attendance in approved courses of study in approved institutions.

To be eligible to receive payments from the president a student:

...

a. Must be matriculated in an approved program, as defined by the commissioner ...

...

c. Must be in full-time attendance, as defined by the commissioner ...

...

d. For students who first receive aid pursuant to this chapter in academic year nineteen hundred ninety-six--nineteen hundred ninety-seven to academic year two thousand six--two thousand seven ...

...

e. For students who first receive aid pursuant to this chapter in academic year two thousand six--two thousand seven ...

...

f. For students who first receive aid pursuant to this chapter in academic year two thousand seven--two thousand eight or thereafter, must have (i) **a certificate of graduation from a school providing secondary education from a state within the United States**; or (ii)

the recognized equivalent of such certificate; or (iii) received a passing score on a federally approved ability to benefit test that has been identified by the board of regents as satisfying the eligibility requirements of this section and has been independently administered and evaluated as defined by the commissioner;

...
[emphasis added]

It is important to note that the statute makes it clear that, without a certificate of graduation, the student must have either a recognized equivalent or a passing score on an ability to benefit test.

High school equivalency diploma

In order for a student to be eligible for TAP, he/she must meet the high school eligibility requirements under §661. Therefore, a student without a valid high school diploma must hold a high school equivalency diploma as identified in 8 NYCRR §100.7. The section below outlines the requirements needed for obtaining a New York State high school equivalency diploma. The only recognized equivalent of the certificate of graduation from high school is the high school equivalency diploma.

8 NYCRR §100.7

(a)(2) (i) **In order to receive a high school equivalency diploma, candidates shall:**

(a) **take a general comprehensive examination prescribed for the program**, in English, and achieve a standing designated as satisfactory by the Commissioner of Education; or

...
...

(c) **provide satisfactory evidence that they have successfully completed 24 semester hours or the equivalent as a recognized candidate for a college-level degree or certificate at an approved institution...**

...

(f) High school equivalency diplomas for out-of-state test takers and high school equivalency diplomas for college credit.

Requests for diplomas for out-of-state test takers and diplomas for college credit must be accompanied by a nonrefundable fee as determined by the commissioner.

[emphasis added]

Therefore, to receive a New York State High School Equivalency Diploma, the student would have to file the required application through a process overseen by the High School Equivalency (HSE) Office.

Their contact information is:

The University of the State of New York
New York State Education Department
High School Equivalency (HSE) Office
P.O. Box 7348
Albany, New York 12224-0348
(518) 474-5906

On-line high school diploma

Recently, there have also been questions regarding the applicability of on-line high school diplomas in relation to meeting the requirement for a high school diploma under §661. Some on-line schools have tried to represent themselves as having national accreditation or accreditation by a postsecondary accreditation body. There is no national high school jurisdiction, nor is there any kind of multi-state or national accreditation of a high school. High school is solely under the jurisdiction of the state government (or the Department of Defense Education Activity for military dependents overseas), and those students who are residents of a state cannot circumvent the jurisdiction of the state where they reside unless they become residents of another state. The student must be under the jurisdiction of the State conferring the high school diploma.

If the individual is a resident of the state where the high school is located, then that state has jurisdiction over the individual's high school completion. The Board of Regents does not approve correspondence study, including on-line, as equivalent to a high school diploma for New York State residents. Therefore, the acquisition of an on-line high school diploma is only an option for those individuals who are a resident of the state where such on-line high school is recognized by the state.

Until such time as the Board of Regents approves an on-line or correspondence study program as authorized to award a high school diploma, correspondence study and on-line diplomas are not valid for individuals who were New York State residents at the time they received the on-line diploma. The individual would have to have been a resident of the state issuing the on-line diploma. They would then need to reestablish residency in New York State prior to being eligible for TAP.

If you have any questions, please contact the New York State Education Department, Office of Postsecondary Access, Support and Success at (518) 474-3719 or via e-mail to kiap@nysed.gov.