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CEO 99-06

July 30, 1999

TO: Chief Executive Officers of Institutions of Higher Education in New York State

FROM: Gerald W. Patton 

SUBJECT: AMENDMENT OF SECTION 145-2.1 OF THE REGULATIONS
OF THE COMMISSIONER OF EDUCATION RELATING TO STATE STUDENT
FINANCIAL ASSISTANCE FOR PART-TIME STUDENTS WITH DISABILITIES

The purpose of this memorandum is to inform you of an amendment to section 145-2.1 of the *Regulations of the Commissioner of Education* relating to State student financial assistance for part-time students with disabilities. The amendment defines the part-time study or attendance requirement for State student financial assistance for students with disabilities as enrollment for at least 3 but less than 12 semester hours in a semester and at least 2 but less than 8 semester hours in a quarter. The Regents approved the amendment at their July 1999 meeting, to be effective September 1, 1999.

Chapter 332 of the Laws of 1998 amended subdivision (4) of section 661 of the Education Law to eliminate the full-time attendance requirement for students with disabilities. Such students were thus eligible for Tuition Assistance Program (TAP) awards (which otherwise require full-time attendance), providing the students carried a part-time course load as defined by the Commissioner.

Section 145-2.1 of the Regulations defines part-time study as enrollment for at least 6 semester hours in a semester. However, the sponsors of Chapter 332 advised the Department that the intent was for students with disabilities to be eligible if they enroll for at least 3 semester hours in a semester. The amendment to section 145-2.1 approved by the Regents fulfills that intent.

Attached is the text of Chapter 332 of the Laws of 1998 and the amended regulation. If you have questions, please contact Ms. Jeremy Weis of my staff at (518) 474-5109 or via email to jweis@mail.nysed.gov.

Attachment

cc: Financial Aid Officers
Disability Services Coordinators

AMENDMENT TO EDUCATION LAW

Chapter 332 of the Laws of 1998 amended section 661(4) of the Education Law to add a new paragraph d as follows:

d. for students who are disabled as defined by the Americans with Disability Act of 1990, 42 USC 12101, the full-time attendance requirement is eliminated. Such disabled students may be in part-time attendance, as defined by the commissioner in order to be eligible to receive payments from the president.

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AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207 and 661 of the Education Law:

1. Paragraph (1) of subdivision (a) of section 145-2.1 of the Regulations of the Commissioner of Education is amended, effective September 1, 1999, as follows:

(1) For State student financial aid programs, except the supplemental tuition assistance program (STAP), full-time study, where required by law, shall mean enrollment for at least 12 semester hours for a semester of not less than 15 weeks, inclusive of examination periods; or eight semester hours a quarter; or, in programs not organized on a semester or quarter basis, 24 semester hours for an academic year of not more than 12 months or the equivalent, as determined by the commissioner. A student shall be considered full-time for a program organized on an academic-year basis only if the student has filed a plan of study with the institution for the entire academic year. [Part-time] Except as otherwise defined in paragraph (4) of this subdivision, part-time study, for general awards, other than tuition awards for Vietnam veterans and tuition awards for part-time undergraduate students, and for academic performance awards, shall mean enrollment for at least 6, but less than 12, semester hours or the equivalent for a semester of not less than 15 weeks, inclusive of examination periods; or at least four, but less than eight, semester hours a quarter. The definition of the term semester hour shall be that provided in subdivision (o) of section 50.1 of this Title. Independent or individualized study, practice teaching, graduate assistantships, thesis or dissertation research, preparation for language or qualifying examinations, and noncredit or remedial courses, may all be considered as contributing toward full-time or part-time study on an hour-for-hour equivalent basis, if the student effort required is the same as would be required for a credit-bearing course in conformity with subdivision (o) of section 50.1 of this Title, and if required or approved by the school, in a plan of study prefiled by the student with the school, as an integral part of the student's program. Credit for independent or individualized study shall be computed in accordance with full-time or part-time requirements. Effective for academic terms beginning after January 1, 1978, a student carrying a full-time program that includes noncredit remedial courses shall carry at least six

semester hours a semester, except that in the first semester of study such a student need carry only three semester hours. Effective for academic terms beginning on or after July 1, 1984, a student carrying a part-time program that includes noncredit remedial courses shall carry at least three semester hours a semester. A combination of such credit and remedial work shall equal the minimum student effort requirement for full-time study or part-time study, respectively, in nonremedial programs. However, courses taken solely to meet teacher certification, licensing, or other external requirements, and not recommended or required by the school as an integral part of the student's program, shall not contribute to full-time or part-time study.

2. Paragraph (4) of subdivision (a) of section 145-2.1 of the Regulations of the Commissioner of Education is added, effective September 1, 1999, as follows:

(4) For purposes of paragraph (4) of subdivision (d) of section 661 of the Education Law, for a student with a disability, as defined in 42 USC 12102 (2) (United States Code, 1994 edition, volume 23; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; 1995 -- available at the Office of Higher and Professional Education, Education Building Annex, Room 979, Albany, NY 12234), part-time study or attendance shall mean enrollment for at least 3 but less than 12 semester hours per semester or the equivalent, or at least 2 but less than 8 semester hours per quarter.

(Underlined material is new; [] material is deleted.)