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OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK

TITLE 8. EDUCATION DEPARTMENT

CHAPTER I. RULES OF THE BOARD OF REGENTS

PART 27. HIGHER EDUCATION OPPORTUNITY PROGRAMS

SUBPART 27-1. NONPUBLIC INSTITUTIONS

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27-1.1 Student eligibility.

To be eligible for benefits pursuant to the provisions of section 6451 of the Education Law, a student must be both educationally and economically disadvantaged according to the following criteria: ~~6452~~ Educationally disadvantaged students are eligible for regents scholarships for a nonpublic institution at which they are enrolled. ~~6451 and 6452~~ 6451 and 6452 may be eligible.

(ii) Loss of employment, or the separation, divorce or death of a wage earner in the calendar year prior to the academic year for which eligibility is being established and a resulting decrease in family income below income guidelines is not, in itself, sufficient to establish historical economic disadvantage. Such cases must be reviewed carefully in order to determine longer term past patterns of economic disadvantage.

(2) A maximum of 15 percent of the total number of HEOP students enrolled by an institution at any given time may come from households whose income exceeds 185 percent of the amount under the annual United States Department of Health and Human Services poverty guidelines for the applicant's family size for the applicable year, provided such institution has established to the satisfaction of the commissioner or his/her designee that unusual and extenuating circumstances as defined in this paragraph, exist for each such student. Documentation shall be kept on file by the institution at which such students were enrolled, and shall be corroborated by a disinterested, reliable party. For purposes of this paragraph, unusual and extenuating circumstances shall be limited to the following:

(i) serious mismanagement of the household income with little accruing to the interest of the student; or

(ii) a one-time fluctuation in household income where there is a history of low income. Satisfactory evidence that a household's income in the calendar year prior to the calendar year used for determining the student's economic eligibility fell within the limits of the applicable household income scale shall be sufficient to establish the existence of a one-time fluctuation in household income, if there is satisfactory proof of a history of low income; or

(iii) households with substantial long-term nonreimbursed medical obligations; or

(iv) families which must maintain two households to maintain employment if there is satisfactory documentation of a history of low income.

(4) Reference to the household income scale need not be made if the student falls into one of the following categories, and documentation is available:

(i) the student's family is the recipient of family assistance program aid or safety net assistance through the New York State Office of Temporary and Disability Assistance or a county department of social services; or is the recipient of family day-care payments through the New York State Office of Children and Family Services or a county department of social services or their successor offices;

(ii) the student is living with foster parents who do not provide support for college, and no monies are provided from the natural parents; or

(iii) the student is a ward of the State or a county.

(5) The eligibility standards set forth in this section apply only at the time of admission as a first-time freshman to a program. Once admitted, a student will continue to receive supportive services as needed, even if the family income rises above the current eligibility standards. However, a student's economic status shall be reviewed under a recognized needs analysis system each year and appropriate adjustments made in the student's financial aid package.

PART 27. HIGHER EDUCATION OPPORTUNITY PROGRAMS

27-2.4 Final report.

On or before October 15th of each fiscal year, the trustees of the State University of New York and the Board of Higher Education in New York City shall each furnish to the Regents and to other persons noted in section 6452 a comprehensive final report, including, in addition to the mandated requirements, but not limited to: