

Guidance on waivers of full-time study requirement for select scholarship programs (Per Amendment of Section 145-2.1 of the Regulations of the Commissioner of Education)

This guidance document addresses waiver of full-time study requirements under section 145-2.1 of the Regulations of the Commissioner of Education, which was amended on June 26, 2024. This amendment complements the Final Year exceptions that are already allowed as part of Subdivision (e) of section 145-2.1 (see below):

(e) A student will be deemed to meet the full-time [or part-time study] requirement in their last semester of eligibility in their program of study if the student takes at least one course needed to meet their graduation requirements and the student enrolls in at least 12 semester hours or its equivalent. A student shall be deemed to meet the full-time study requirement in the semester prior to their last semester of eligibility in their program of study if the student takes at least six semester hours needed to meet their graduation requirements and the student enrolls in at least 12 semester hours or its equivalent.

Despite the above flexibility, stakeholders from the SED Workgroup on NYS Aid described an increase in the number of high-achieving students facing the unanticipated loss of financial aid eligibility. To address this issue, subparagraph (iv) of paragraph (1) of subdivision (a) of section 145-2.1 of the Regulations of the Commissioner of Education was amended and a new subparagraph (v) was added to allow students to seek a waiver under such circumstances where Subdivision (e) of section 145-2.1 is not applicable, and “full-time study” enrollment is not advisable or possible for reasons beyond the student’s control.

“Full-time study” is defined as enrollment in at least 12 semester hours (or eight semester hours a quarter) comprised of general education requirements, major requirements, or specified or free electives during a semester. In such circumstances, students may petition their campus to seek a waiver to the full-time study requirements. This full-time study waiver is applicable for NYS Aid programs under Section 661 of the Education Law. This includes NYS Aid programs under the authority of the New York State Education Department (SED) like the Tuition Assistance Program (TAP). It does not include aid programs under the authority of HESC, such as the Excelsior Scholarship Program. See FAQ 1, below, listing the aid programs to which the waiver applies and those it does not.

This waiver must include the following:

- An explanation why the student is unable to meet the full-time requirement due to academic constraints beyond their control.
- Supporting documentation to verify the above extenuating circumstances (e.g., having earned advanced placement or other college credits in high school, transcripts showing how transfer credits impacted program of study enrollment, schedules demonstrating courses aren't available during the semester causing sequencing gaps, etc.).
- An academic plan that shows how the student will fulfill degree coursework in his/her program of study, if granted the waiver. This plan must document a detailed path toward degree completion while maintaining the minimum number of credit hours required for full-time study status toward the approved program of study.
- Statement with signature from the student’s academic advisor.
- Student’s signature.

The campus would develop a mechanism for the completed waiver to be reviewed. Decisions would be kept on file in the appropriate offices and student files and should be accessible for review upon request (see FAQ for additional details).

For more information on this amendment, please see the corresponding [Regents item](#) and the Deputy Commissioner of Higher Education [memo](#).

Please share this information with relevant offices at your institution. Questions about this amendment can be sent to the Office of Postsecondary Access, Support and Success at kiap@nysed.gov.

FAQs:

1. What aid is this waiver applicable towards?
 - a. This full-time study waiver is applicable for NYS Aid programs listed below:
 - [SECTION 667 Tuition assistance program awards](#)
 - [SECTION 668 Regents awards for children of deceased and disabled veterans](#)
 - [SECTION 668-A Regents awards for children of deceased police officers, peace officers, firefighters and volunteer firefighters](#)
 - [SECTION 668-B Memorial scholarships for children, spouses and financial dependents of deceased firefighters, volunteer firefighters, police officers, peace officers, and emergency medical service workers](#)
 - [SECTION 668-C Awards for Vietnam veterans' children born with Spina Bifida enrolled in approved undergraduate or graduate programs at degree granting institutions](#)
 - [SECTION 668-D World trade center memorial scholarships](#)
 - [SECTION 668-E Military enhanced recognition, incentive and tribute \("MERIT"\) scholarships](#)
 - [SECTION 669 Regents awards for children of deceased state correction officers and state civilian employees of a correction facility](#)
 - [SECTION 669-A Veterans tuition awards program](#)
 - [SECTION 670-B Scholarships for academic excellence](#)

This waiver is not applicable towards the programs listed below:

- [SECTION 669-H Excelsior scholarship](#)
- [SECTION 667-D Enhanced tuition awards](#)
- [SECTION 668-F American Airlines flight 587 memorial scholarships](#)
- [SECTION 668-G Continental Airlines flight 3407 memorial scholarships](#)
- [SECTION 667-C-1 New York state part-time scholarship \(PTS\) award program](#)
- [SECTION 669-D New York state math and science teaching incentive program](#)
- [SECTION 669-E New York state science, technology, engineering and mathematics incentive program](#)
- [SECTION 667-A Supplemental tuition assistance program](#)

2. Can a student submit multiple waivers for multiple terms or is this a one-time only waiver?
 - a. Yes, this full-time study waiver may be sought more than once.
3. Would it matter if the transfer college credits came from high school (AP credits) or transferred in from another college?
 - a. Transfer credits earned from high school (AP credits) or transferred in from another institution are both acceptable when providing an explanation and documentation as to why a student is unable to meet the full-time study requirements and seeking a waiver.

4. Will AP credits or college credits earned during high school count only if those credits came from one of the programs mentioned in the SED August 5, 2024 [memo](#)?
 - a. AP credits and college credits do not need to be earned in the specific early high school college programs mentioned in the [memo](#) to be acceptable as documentation for this waiver.
5. Do the General Education requirements and Free Electives for a major need to be fulfilled exclusively and fully by transfer credit in order to be eligible?
 - a. General Education requirements and Free Electives for a major do not need to be fulfilled exclusively and fully by transfer credits in order to be eligible for this waiver.
6. Is there a maximum number of non-applicable courses that a student can take in one term? For example, can a student register for one applicable course (3 credits) and 9 non-applicable credits?
 - a. There must be an academic plan that shows how the student will fulfill degree coursework in his/her program of study, if granted the waiver. This plan must document a detailed path toward degree completion.
7. Are students who are unable to meet full-time study requirements due to their academic plans (additional majors, study abroad, etc.) eligible to seek this waiver?
 - a. Yes, such students are eligible to apply for a waiver. There must be an academic plan that shows how the student will fulfill degree coursework in his/her program of study, if granted the waiver. This plan must document a detailed path toward degree completion. Note, a waiver does not provide additional semesters of aid eligibility (i.e., semesters of eligibility for 2-year, 4-year, and 5-year degree programs remain the same).
8. As this waiver can be utilized multiple times, will there be either a new certification code or a new process to report this to HESC?
 - a. No, there will not be a new certification code or process for these waivers. Documentation for this waiver is to be maintained at the local level in the student record for the same timeframe as other State financial aid records. It should be accessible for review upon request. It does not need to be reported to HESC during the certification process.