

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207 and 661 of the Education Law.

Subparagraph (iv) of paragraph (1) of subdivision (a) of section 145-2.1 of the Regulations of the Commissioner of Education is amended and a new subparagraph (v) is added to read as follows:

(iv) Except as otherwise provided in subdivision (e) of this section and subparagraph (v) of this paragraph, when determining full-time or part-time status, credit-bearing courses must be applicable to the student's program of study as a general education requirement, major requirement, or specified or free elective. Credit-bearing courses not applicable to the student's program of study cannot be included as part of the minimum full-time or part-time study requirement.

(v) (a) An institution may grant a waiver of the requirements of subparagraph (iv) of this paragraph for purposes of determining full-time status, where the institution certifies, and maintains documentation, that such waiver is in the best interest of the student, and where the student submits an application for such waiver that:

(1) demonstrates that their inability to meet such requirements is due to circumstances beyond the student's control, such as the student having earned advanced placement or other college credits earned in high school, having transferred into the institution, encountering obstacles posed by course sequence requirements, or changing majors;

(2) includes an individual academic graduation plan, developed with the student's advisor at such institution, that prescribes how the student will fulfill degree coursework if granted the waiver. Such 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.

(b) Institutions shall develop criteria and procedures to consider and grant waivers, consistent with the provisions of this subparagraph. Prior approval by the commissioner of such criteria and procedures shall not be required; however, the institution shall make such criteria and procedures available to students and the public, either in writing or on its website. The commissioner may review such criteria and procedures and require an institution to revise those found to be not aligned with the provisions of this subparagraph.