

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, and 305 of the Education Law, and Section 1 of Part C of Chapter 56 of the Laws of 2024.

Section 100.2 of the Regulations of the Commissioner of Education is amended by adding a new subdivision (qq) to read as follows:

(qq) FAFSA completion.

(1) Each school district shall:

(a) Ensure verification of one of the following from the parent or guardian of each student, or from the student if the student is 18 years of age or older or legally emancipated, during the school year in which the student is a senior enrolled in such school district:

(i) completion of either the Free Application for Federal Student Aid (FAFSA) for such student or, if applicable, the Jose Peralta New York State Development, Relief, and Education for Alien Minors (DREAM) Act application. Such verification of completion shall not require a parent, guardian, or student to identify which type of application was completed; or

(ii) completion of a waiver on a form promulgated by the Department indicating that the parent or guardian, or the student if the student is 18 years of age or older or legally emancipated, understands the nature of the FAFSA or, if applicable, the DREAM Act application and has chosen not to file an application pursuant to subparagraph (a) of this paragraph.

(b) Notify each high school senior enrolled in such school district, no less than two times during each school year, of the state-sponsored scholarships, financial aid, and assistance available to students attending college or post-secondary education.

(c) Provide referrals for support or assistance to complete the FAFSA or, if applicable, the DREAM Act application.

(2) On and after July 1, 2025, each school district shall annually report to the Department the following data for all seniors enrolled in such school district, aggregated by high school:

(i) the total number of students that have completed either the FAFSA or, if applicable, the DREAM Act application;

(ii) the number of students who completed a waiver pursuant to clause (ii) of subparagraph (a) of paragraph (1) of this subdivision; and

(iii) the total number of seniors enrolled.

(3) A student shall not be penalized or punished nor shall a student's ability to graduate be affected if the student's parent or guardian, or student if the student is 18 years of age or older or legally emancipated, does not fulfill the verification requirements prescribed in subparagraph (a) of paragraph (1) of this subdivision.