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Summary

These guidelines provide clarification of community college law and regulations with regard to admissions.

Policy

Admissions

There has been extended discussion and several questions concerning community college admissions. Specifically, the discussion and questions center on the type of documentation that must be in a student's admissions file and when it has to be there. The following is an attempt to provide some clarification on this matter; however, please be advised that there are ongoing discussions between the State University of New York (SUNY) and the State Education Department (SED), and that this information is subject to change.

Education Law §6304(1)(a)(i) provides that community colleges operating full opportunity programs are to "establish a policy of offering acceptance in an appropriate program of the college to all applicants residing in the sponsorship area who graduated from high school within the prior year and to applicants who are high school graduates and who were released from active duty with the armed forces of the United States within the prior year." The statute has been interpreted to mean that community college applicants must possess a high school diploma or its equivalent. The SED has determined that there are only two acceptable alternatives to a high school diploma. The first is a General Educational Development (GED) certificate. The second relates to home-schooled students, who must submit a letter from the superintendent of the school district within which the student resides, stating that the student's home instruction is substantially equivalent to the instruction offered by that student's local high school. The ability-to-benefit test is not accepted by SED as an alternative to a high school diploma and may not be used as such.

Education Law §6304(1)(a)(i) does not preclude the admission of students who do not possess a high school diploma or its equivalent. This statute establishes a minimum standard. The community colleges operating under the program of the State University of New York have decided to go beyond this statutory minimum. Nevertheless, this provision has been interpreted to convey that a high school diploma or its equivalent is required for admission into a program leading to a degree or certificate.

Ability-to-benefit test and its appropriate use

Education Law §661, titled "Eligibility requirements and conditions governing awards and loans," sets forth the eligibility requirements for financial aid. Paragraph 4, subdivision (c) there under provides, in part, that:

4. ...To be eligible to receive payments from the president a student:

(c) ...must have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate; or have achieved a passing score, as determined by the United States secretary of education, on a federally approved examination which demonstrates that the student can benefit from the education being offered.

Thus, the statute only authorizes the use of the ability-to-benefit test in lieu of a "certificate of graduation from a school providing secondary education" to establish eligibility for financial aid, which is not the same as meeting requirements for admission.

When a student enrolls in a 24-credit hour program (in lieu of a GED), the campus has adopted a practice of simultaneous enrollment. The campus enrolls the student in both the 24-credit hour program and a degree or certificate program at the same time. The rationale for doing this is that many of the courses taken in the 24-credit hour program may be used to fulfill degree or certificate requirements. However, if a high school diploma or its equivalent is required for matriculation (defined as working towards a degree or certificate), then simultaneous enrollment appears to violate an institution's admissions policy for matriculation.

Definitions

There are no definitions relevant to this policy.

Other Related Information

There is no related information relevant to this policy.

Procedures

There are no procedures relevant to this policy.

Forms

There are no forms relevant to this policy.

Authority

The following links to FindLaw's [New York State Laws](#) are provided for users' convenience; it is not the official site for the State of New York laws.

[Education Law §6304\(1\)\(a\)\(i\)](#) (Financing of Community Colleges)

[Education Law §661](#) (Eligibility requirements and conditions governing awards and loans)

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of [New York State Consolidated](#).

8 NYCRR §100.7

8 NYCRR §100.10

History

Memorandum to Community College Chief Student Affairs Officers from University Counsel's Office, dated October 10, 2002.

Appendices

There are no appendices relevant to this policy.