

# STATE OF NEW YORK

10493

## IN ASSEMBLY

March 6, 2026

Introduced by M. of A. ANDERSON -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to enacting the "Percy Ellis Sutton search for education, elevation and knowledge program protection and accountability act of 2026" which strengthens legislative oversight, fiscal transparency, and equitable administration of the SEEK program at the city university of New York

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "Percy Ellis Sutton search for education, elevation and knowledge  
3 program protection and accountability act of 2026".

4 § 2. Legislative findings and intent. The legislature hereby finds and  
5 declares:

6 a. The Percy Ellis Sutton search for education, elevation and know-  
7 ledge (SEEK) program was established by statute in 1966 to expand educa-  
8 tional opportunities for economically disadvantaged and academically  
9 underprepared students who would not otherwise be admitted to the city  
10 university of New York.

11 b. In 2026, the SEEK program enters its sixtieth year of operation,  
12 having served as the national model for high-impact, wrap-around, holis-  
13 tic student support services that ensure academic success for disenfran-  
14 chised New Yorkers of all races and backgrounds.

15 c. The SEEK program provides direct access to baccalaureate degrees  
16 for students who otherwise would not be admitted to the institution and  
17 helps mitigate the social and economic costs to the state associated  
18 with generational poverty and educational opportunity gaps.

19 d. The SEEK program serves a critical population including out-of-  
20 school, out-of-work youth and individuals whose life patterns are char-  
21 acterized by historical economic and educational disadvantages.

22 e. Despite sustained and increased legislative appropriations for the  
23 SEEK program, the legislature has observed concerning patterns of admin-  
24 istrative erosion, including: the omission of SEEK from university stra-  
25 tegic planning documents; outdated institutional guidelines dating back

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 thirty years; high turnover in central administrative leadership result-  
2 ing in loss of institutional knowledge and programmatic continuity;  
3 persistent delays in allocation of funds to programs; inconsistent  
4 staffing patterns; diminishment in stature and downgrading of SEEK from  
5 departments into programs; and the lack of investment in professional  
6 development, academic advancement, or scholarship incentives that would  
7 enhance staff expertise and program quality.

8 f. These conditions are inconsistent with legislative intent to  
9 provide equal educational opportunity to students who have faced system-  
10 ic barriers to higher education and to address generational poverty  
11 through accessible pathways to degree completion.

12 g. The legislature possesses constitutional and statutory authority to  
13 oversee and direct the use of state appropriations and to ensure that  
14 legislative appropriations for SEEK are fully and equitably adminis-  
15 tered, that SEEK remains central to the city university's mission, and  
16 that the program's outcomes are transparent and accountable to the  
17 public.

18 h. The purpose of this act is to preserve, strengthen, and protect the  
19 SEEK program; to ensure equitable allocation of legislative appropri-  
20 ations; to prohibit program elimination or merger without legislative  
21 approval; and to strengthen accountability through enhanced oversight  
22 and reporting.

23 § 2. Paragraph a of subdivision 3 of section 6206 of the education  
24 law, as added by chapter 305 of the laws of 1979, is amended to read as  
25 follows:

26 a. The board of trustees shall, once every four years, formulate a  
27 long-range city university plan or general revision thereof and make  
28 recommendations to the board of regents, for the organization, develop-  
29 ment and coordination of the city university. The plan and recommenda-  
30 tions shall include but not be limited to the following:

- 31 (1) Plans for new curricula,
- 32 (2) Plans for new facilities,
- 33 (3) Plans for change in policies with respect to student admissions,
- 34 (4) Potential student enrollments,
- 35 (5) Comments upon its relationship to other colleges and universities,  
36 public and private, within the state, [~~and~~]
- 37 (6) For informational purposes only, projection standards and overall  
38 expenditure projections of capital and operating costs, and
- 39 (7) Plans for the Percy Ellis Sutton search for education, elevation  
40 and knowledge program, including measurable goals for such program, and  
41 identification of the systemwide SEEK program guidelines in effect at  
42 the time of such plan, including the date of the most recent revision  
43 thereof.

44 The plan shall be in such form as to provide a basis for the develop-  
45 ment of the regents statewide plan for higher education as defined in  
46 section two hundred thirty-seven of this chapter. Prior to transmitting  
47 their long-range plan or general revisions thereof to the board of  
48 regents, to the temporary president of the senate, and to the speaker of  
49 the assembly, the board of trustees shall, after giving due notice,  
50 conduct one or more hearings on such plan.

51 § 3. The education law is amended by adding a new section 6235 to read  
52 as follows:

53 § 6235. Percy Ellis Sutton search for education, elevation and know-  
54 ledge program. The Percy Ellis Sutton search for education, elevation  
55 and knowledge program, hereinafter referred to as "the SEEK program",  
56 provided by the city university pursuant to section sixty-four hundred

1 fifty-two of this chapter, shall also be subject to the provisions of  
2 this section.

3 1. Funding allocation and transparency. (a) Funds appropriated by the  
4 legislature for the SEEK program shall be distributed among the city  
5 university campuses where such program is available according to a  
6 formula which shall be publicly reported.

7 (b) No funds appropriated by the legislature for the SEEK program  
8 shall be withheld, reallocated or used for any purpose other than to  
9 fund such program without the express authority of an act of the legis-  
10 lature.

11 (c) Any surplus funds appropriated for the SEEK program shall remain  
12 in the custody of the city university and shall not be reallocated for  
13 any uses other than such program.

14 2. Audit by the state comptroller. (a) The state comptroller shall  
15 biennially conduct an audit of all funds received and expended by the  
16 city university for the purpose of funding the SEEK program.

17 (b) The scope of such audits shall include compliance with the  
18 intended purpose of such funds, accuracy of fund transfers, outcomes of  
19 such program, and administrative overhead costs related to such program.

20 (c) Upon completion of each audit conducted pursuant to paragraph (a)  
21 of this subdivision, the comptroller shall submit to the legislature,  
22 and shall publish in a manner that is accessible to the public, a report  
23 detailing the results of such audit.

24 (d) In the scope of such audits the state comptroller shall also have  
25 the power to identify noncompliance by the city university with any of  
26 the requirements of this section, and to make recommendations for  
27 corrective actions by the city university in response to any such find-  
28 ing of noncompliance. In response to any such finding of noncompliance,  
29 the city university shall submit to the legislature a plan for the  
30 implementation of such recommendations by the comptroller to correct any  
31 noncompliance.

32 3. Reporting requirements. (a) The city university shall publish on  
33 its website an annual report on the SEEK program. Such report shall  
34 include information about the following:

35 (i) the amount of funding for such program allocated to each campus of  
36 the city university where such program is available;

37 (ii) costs and expenditures incurred in the administration of such  
38 program by each campus of the city university where such program is  
39 available;

40 (iii) student enrollment in such program;

41 (iv) retention and graduation rates of students enrolled in such  
42 program; and

43 (v) information about the services provided to students enrolled in  
44 such program.

45 (b) The city university shall submit an annual report to the legisla-  
46 ture on the SEEK program. Such report shall include the following:

47 (i) information about the allocation of funds for such program among  
48 the campuses of the city university participating in such program;

49 (ii) information about student enrollment in such program;

50 (iii) information about performance outcomes of students enrolled in  
51 such program;

52 (iv) a summary of the way any increase in funding for such program  
53 from the previous fiscal year was applied; and

54 (v) a certification from the chancellor of the city university that  
55 the funds appropriated by the legislature for such program were used for  
56 the purpose of funding such program and not for any other purpose.

1 4. Noncompliance with funding allocation and reporting requirements.  
2 Failure of the city university to comply with any funding allocation or  
3 reporting requirements established pursuant to this section may result  
4 in the withholding or reallocation of future state funding to the city  
5 university.

6 5. Representation in legislative oversight hearings. The city univer-  
7 sity shall ensure that a representative from such university's office of  
8 special programs is made available to represent such university at any  
9 legislative oversight hearings where the presence of such representative  
10 is required by the legislature.

11 6. Program mission and admissions authority. (a) The Percy Ellis  
12 Sutton search for education, elevation and knowledge program shall be  
13 maintained as a distinct access program serving students who are deter-  
14 mined by the city university to be inadmissible under the general admis-  
15 sions standards otherwise applicable to undergraduate degree programs.

16 (b) The city university shall maintain admissions criteria, admissions  
17 review procedures, and admissions authority for the SEEK program that  
18 are separate and distinct from those applicable to general undergraduate  
19 admissions or to any other academic, student success, retention, or  
20 completion program.

21 (c) Such admissions criteria and authority shall not be supplanted,  
22 substituted, narrowed, or restricted by general admissions standards or  
23 by eligibility criteria applicable to any other program.

24 (d) No student admitted to the SEEK program shall be reclassified,  
25 reassigned, or excluded from SEEK program services for the purpose of  
26 meeting compliance with general admissions standards or the eligibility  
27 requirements of any other program.

28 (e) The SEEK program shall provide priority to the recruitment and  
29 enrollment of applicants whose life patterns are characterized by  
30 historical economic and educational disadvantage, including out-of-  
31 school, out-of-work youth.

32 7. Structural non-consolidation. (a) The SEEK program shall not be  
33 consolidated with, absorbed into, administered through, or functionally  
34 replaced by any other academic, student success, retention, or  
35 completion program operated by the city university.

36 (b) The city university shall ensure that the SEEK program maintains  
37 distinct staffing, budgetary allocations, administrative structures, and  
38 reporting mechanisms separate from any other such program.

39 (c) The continued existence of the SEEK program shall not be satisfied  
40 by the provision of services through another program, notwithstanding  
41 any similarity of services, outcomes, or administrative efficiencies.

42 (d) The city university is prohibited from creating, renaming,  
43 restructuring, or administratively merging the SEEK program with any  
44 other initiative, program, or administrative unit without explicit  
45 legislative authorization.

46 (e) The SEEK program shall maintain visible and distinct identity in  
47 all institutional materials, strategic planning documents, and public  
48 communications.

49 8. Program guidelines and periodic review. (a) The city university  
50 shall maintain written systemwide guidelines governing the adminis-  
51 tration of the SEEK program, including admissions practices, compensato-  
52 ry education requirements, student support services, staffing standards,  
53 and fiscal administration.

54 (b) Such guidelines shall be reviewed and, as necessary, updated no  
55 less frequently than once every three years.

1 (c) An interim review and update shall be required upon any material  
2 change in admissions standards, state or federal funding requirements,  
3 or applicable state or federal higher education or equity mandates.

4 (d) Current SEEK program guidelines and the date of their most recent  
5 revision shall be made publicly available on the city university's  
6 website.

7 9. Strategic planning integration. (a) The city university shall  
8 incorporate the SEEK program into its official multi-year strategic  
9 plans, including measurable student outcomes and goals, staffing levels,  
10 and enrollment targets.

11 (b) The SEEK program shall be reflected and monitored within each  
12 college president's annual performance management plan.

13 (c) The omission of the SEEK program from university strategic plan-  
14 ning documents shall constitute noncompliance with this section.

15 10. Funding allocation, distribution, and transparency. (a) All funds  
16 appropriated by the legislature for the SEEK program shall be trans-  
17 ferred to the office of special programs and distributed to individual  
18 campuses no later than July first of each fiscal year according to a  
19 transparent distribution formula.

20 (b) The distribution formula shall be based on:

21 (i) number of SEEK-enrolled students and SEEK-funded staff, both full-  
22 time and part-time;

23 (ii) retention, graduation, and projected admission rates; and

24 (iii) documented programmatic needs.

25 (c) For each month or partial month of delay beyond July first, the  
26 city university shall report to the legislature the reason for delay and  
27 any impact such delay has had on program operations.

28 (d) SEEK funds shall be used exclusively for:

29 (i) direct support services for SEEK students who are formally admit-  
30 ted and enrolled through the specific SEEK admissions process; and

31 (ii) SEEK program non-administrative support staff, both full-time and  
32 part-time.

33 (e) Program administrative staff, including directors, assistant  
34 directors, associate directors, and administrative personnel, shall be  
35 hired and funded by each campus. Financial aid counselors for SEEK  
36 students shall be funded by the institution at a ratio of one full-time  
37 financial aid counselor per one hundred fifty to two hundred SEEK  
38 students.

39 (f) No SEEK funds may be diverted, reallocated, or withheld for any  
40 other purpose without explicit legislative authorization. SEEK funds  
41 shall not be commingled with funds for any other program, initiative, or  
42 student population, regardless of whether such students share economic  
43 or academic characteristics with SEEK students.

44 (g) Colleges shall provide SEEK students with all services available  
45 to regularly admitted students at no additional cost to SEEK funds. SEEK  
46 appropriations are designated solely for supplemental services, enhanced  
47 academic support, and wrap-around services specific to SEEK students'  
48 needs as economically and academically underprepared students.

49 (h) (i) Any campus-held unspent SEEK funds at fiscal year-end shall:

50 (1) be carried forward for use by that campus's SEEK program in the  
51 subsequent fiscal year;

52 (2) not revert to city university central administration; and

53 (3) be reported to the legislature with explanation for non-expendi-  
54 ture.

55 (ii) Campuses may not be penalized in future allocations for carrying  
56 forward unspent funds.

1 (i) Funding allocated to the city university office of special  
2 programs shall be used for:

3 (i) salaries of university administrative staff, including the dean  
4 and university directors or specialists, which shall be paid by the city  
5 university;

6 (ii) non-administrative staff, including administrative assistants and  
7 managers, which shall be funded by the office of special programs budget  
8 allocated by the state;

9 (iii) office operations, reporting and data systems, and direct over-  
10 sight activities, which shall be disbursed in a timely manner. All  
11 administrative expenditures must be itemized in the annual report  
12 required by subdivision twelve of this section.

13 (j) The city university shall publish campus-level funding allo-  
14 cations, administrative costs, and service levels in a standardized  
15 format annually.

16 11. Staffing standards and service requirements. (a) Each campus shall  
17 maintain staffing ratios adequate to provide services outlined in  
18 section sixty-four hundred fifty-two of this title, including but not  
19 limited to:

20 (i) one full-time academic counselor per eighty-five students, with a  
21 maximum caseload of one hundred students;

22 (ii) one full-time financial aid counselor per one hundred fifty to  
23 two hundred SEEK students, funded by the institution; and

24 (iii) dedicated part-time academic support services proportional to  
25 student needs and enrollment.

26 (b) Any staffing reductions shall require legislative notification and  
27 written justification submitted to the chairs of the senate and assembly  
28 higher education committees within thirty days of such reduction.

29 (c) SEEK programs shall maintain the core wrap-around components that  
30 have established the program as a national model, including:

31 (i) comprehensive graduate-level trained academic advisors with mental  
32 health counseling specializations;

33 (ii) academic support services;

34 (iii) financial aid advising;

35 (iv) career development services;

36 (v) peer mentoring;

37 (vi) mental health and wellbeing programming;

38 (vii) financial literacy programming; and

39 (viii) dedicated campus program space and staff.

40 (d) Individual programs are encouraged to expand, within allocated  
41 budgets, the creation of direct services that fill university service  
42 gaps to meet the needs of SEEK students.

43 12. Annual reporting and public disclosure. (a) The city university  
44 and the office of special programs shall prepare and submit to the  
45 legislature, and post publicly on the city university's website, an  
46 annual SEEK report no later than January thirty-first of each year.

47 (b) The annual SEEK report shall include:

48 (i) enrollment by campus and demographics, including race and ethnici-  
49 ty, gender, age, borough or county of residence, and out-of-school,  
50 out-of-work youth enrollment;

51 (ii) first-to-second year retention rates;

52 (iii) four-year and six-year graduation rates;

53 (iv) credit accumulation rates;

54 (v) student utilization rates of support services;

55 (vi) employment or graduate school placement rates;

1 (vii) new evidence-based initiatives or adopted interventions imple-  
2 mented during the reporting period;

3 (viii) campus-level funding allocations and administrative costs;

4 (ix) summary of how each year's legislative funding increase was  
5 applied;

6 (x) current staffing levels by campus, including vacancies and time-  
7 to-fill data;

8 (xi) itemized administrative expenditures of the office of special  
9 programs;

10 (xii) any delays in fund distribution and their operational impact;  
11 and

12 (xiii) status of systemwide SEEK program guidelines, including date of  
13 most recent revision.

14 (c) The chancellor of the city university shall certify to the legis-  
15 lature in writing that all appropriated SEEK funds have been used for  
16 their intended purpose as specified in subdivision ten of this section.

17 (d) The annual report shall be transmitted to the governor, the tempo-  
18 rary president of the senate, the speaker of the assembly, the chairs of  
19 the senate and assembly higher education committees, and the chairs of  
20 the senate finance and assembly ways and means committees.

21 13. Comptroller oversight and auditing. (a) The state comptroller is  
22 directed to conduct periodical audits of SEEK program funding and admin-  
23 istration at the city university.

24 (b) Such audits shall examine:

25 (i) compliance with legislative intent as expressed in this section;

26 (ii) accuracy and timeliness of fund transfers from the city universi-  
27 ty central administration to the office of special programs and from the  
28 office of special programs to individual campuses;

29 (iii) program outcomes and effectiveness;

30 (iv) administrative overhead and expenditures;

31 (v) adherence to staffing standards and service requirements;

32 (vi) proper use of SEEK funds as specified in subdivision ten of this  
33 section; and

34 (vii) compliance with reporting requirements under subdivision twelve  
35 of this section.

36 (c) The comptroller's audit reports shall be transmitted to the legis-  
37 lature and made publicly available within thirty days of completion.

38 (d) The comptroller shall identify any instances of noncompliance and  
39 recommend specific corrective actions to be taken by the city universi-  
40 ty.

41 14. Legislative oversight hearings. (a) The city university shall  
42 ensure that a representative from the office of special programs appears  
43 before the legislature during annual budget hearings to answer questions  
44 regarding SEEK program finances, operations, and outcomes.

45 (b) The legislature's higher education committees may hold oversight  
46 hearings at any time to review SEEK program administration, funding, and  
47 compliance with this section.

48 (c) Audit-based hearings may be held upon receipt of a comptroller  
49 audit report pursuant to subdivision thirteen of this section, by the  
50 chairs of the senate and assembly higher education committees.

51 15. Noncompliance and enforcement. (a) For purposes of this section,  
52 noncompliance shall include, but not be limited to:

53 (i) the use of SEEK program funds in a manner that restricts or alters  
54 program eligibility;

55 (ii) the substitution of SEEK program services with services provided  
56 through another program;

1 (iii) the failure to maintain separate admissions, administrative,  
2 staffing, or budgetary structures for the SEEK program;

3 (iv) the failure to review or update SEEK program guidelines in  
4 accordance with subdivision eight of this section;

5 (v) the failure to distribute SEEK funds to campuses by July first of  
6 each fiscal year;

7 (vi) the failure to maintain required staffing ratios under subdivi-  
8 sion eleven of this section;

9 (vii) the diversion, reallocation, or commingling of SEEK funds in  
10 violation of subdivision ten of this section;

11 (viii) the failure to submit required annual reports under subdivision  
12 twelve of this section;

13 (ix) the omission of SEEK from strategic planning documents in  
14 violation of subdivision nine of this section; or

15 (x) any restructuring, merger, or consolidation of the SEEK program  
16 without explicit legislative authorization.

17 (b) Upon identification of noncompliance, the state comptroller may  
18 recommend corrective actions and timelines for compliance.

19 (c) Upon finding of noncompliance by the comptroller or the legisla-  
20 ture, the city university shall submit a detailed corrective action plan  
21 to the temporary president of the senate, the speaker of the assembly,  
22 and the chairs of the senate and assembly higher education committees  
23 within ninety days.

24 (d) The corrective action plan shall include:

25 (i) specific steps to be taken to achieve compliance;

26 (ii) timeline for implementation of each corrective measure;

27 (iii) identification of responsible personnel;

28 (iv) interim reporting milestones; and

29 (v) measures to prevent future noncompliance.

30 (e) If the city university fails to comply with statutory reporting or  
31 allocation requirements under this section or fails to submit or imple-  
32 ment an adequate corrective action plan, the director of the budget may  
33 withhold or reallocate future discretionary state funding to the city  
34 university until compliance is achieved.

35 (f) Any proposed elimination, merger, consolidation, or substantial  
36 restructuring of the SEEK program shall require explicit authorization  
37 by act of the legislature. No such action may be taken through adminis-  
38 trative directive, policy change, or budget allocation.

39 § 4. Severability. If any provision of this act or any application of  
40 any provision of this act, is held to be invalid, or to violate or be  
41 inconsistent with any federal law or regulation, that shall not affect  
42 the validity or effectiveness of any other provision of this act, or of  
43 any other application of any provision of this act, which can be given  
44 effect without that provision or application; and to that end, the  
45 provisions and applications of this act are severable.

46 § 5. This act shall take effect immediately and shall apply to funds  
47 appropriated for the Percy Ellis Sutton search for education, elevation  
48 and knowledge program beginning with the fiscal year next succeeding the  
49 date on which it shall have become a law.