S T A T E O F N E W Y O R K

4334

2009-2010 Regular Sessions

I N A S S E M B L Y

February 3, 2009

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

AN ACT to amend the education law, in relation to establishing a candidacy period for institutions seeking the authority to grant degrees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 218 of the education law, as added by chapter 1160 of the laws of 1971, is amended to read as follows:

2. No institution shall be given power to confer associate degrees in this state unless it shall possess financial resources which, in the judgment of the regents, are adequate to insure satisfactory conduct of its degree programs and achievement of its stated educational goals. NO INSTITUTION SHALL BE AUTHORIZED TO CONFER ANY DEGREES UNTIL IT HAS BEEN EVALUATED BY THE DEPARTMENT AND BOARD OF REGENTS DURING A CANDIDACY PERIOD OF ONE YEAR.

DURING THIS CANDIDACY PERIOD THE DEPARTMENT SHALL CONDUCT AN ACADEMIC REVIEW TO DETERMINE WHETHER THE PROGRAMS MEET THE STANDARDS FOR REGISTRATION OF DEGREE CURRICULA AND A PLANNING REVIEW TO EXAMINE NEED, EFFECT ON THE INSTITUTION AND EFFECT ON OTHER INSTITUTIONS. AN INSTITUTION SEEKING DEGREE GRANTING AUTHORITY MUST, AT A MINIMUM, MEET THE FOLLOWING STANDARDS, WHEN APPLICABLE, DURING THE CANDIDACY PERIOD:

A. AN INSTITUTION MUST HAVE HAD A LOAN DEFAULT RATE UNDER TWENTY-FIVE PERCENT FOR THE THREE YEARS PRIOR TO AN APPLICATION BEING FILED FOR DEGREE-GRANTING AUTHORITY.

B. THE INSTITUTION HAS NO OUTSTANDING AMOUNTS DUE AS A RESULT OF ANY AUDITS BY THE STATE COMPTROLLER'S OFFICE PROVIDED THAT APPEALS, IF ANY, HAVE BEEN EXHAUSTED.

C. THE INSTITUTION'S STUDENTS HAVE NOT BEEN DENIED FEDERAL GRANTS OR LOANS DURING THE CURRENT OR PREVIOUS CALENDAR YEAR AS A RESULT OF THE INSTITUTION'S VIOLATION OF ANY LAW OR REGULATION OF THE UNITED STATES

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

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DEPARTMENT OF EDUCATION, PROVIDED THAT INSTITUTION APPEALS, IF ANY, HAVE BEEN EXHAUSTED.

D. NO OFFICER OR STOCKHOLDER HAS BEEN CONVICTED OF A FELONY WITHIN THE PRECEDING FIVE YEARS RELATING TO MATTERS INVOLVING CORPORATE OR INSTITUTIONAL ASSETS, STAFF OR STUDENTS.

E. THE INSTITUTION MUST HAVE A PERMANENT CREDENTIALED LIBRARIAN AND A LIBRARY COLLECTION IN PLACE THAT IS ADEQUATE TO SUPPORT THE PROPOSED DEGREE PROGRAMS.

F. THE FACULTY MUST HAVE APPROPRIATE CREDENTIALS AND DEMONSTRATED TEACHING ABILITY IN THE PROPOSED PROGRAM AREAS.

G. THE INSTITUTION'S RECORD WITH ITS ACCREDITING AGENCY MUST SHOW THAT THE INSTITUTION IS IN GOOD STANDING WITH THAT AGENCY.

H. THE INSTITUTION MUST PROVIDE TWO YEARS OF CERTIFIED FINANCIAL ANNUAL AUDITS ACCORDING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES SHOWING A MINIMUM 1AGING ASSETS TO LIABILITY RATIO.

I. THE INSTITUTION SHALL HAVE A CAMPUS IN COMPLIANCE WITH STATE AND LOCAL REGULATIONS.

THE COST OF THE REVIEW PROCESS WILL BE BORNE BY THE INSTITUTION SEEKING DEGREE-GRANTING AUTHORITY.

S 2. This act shall take effect immediately.