

8029

2009-2010 Regular Sessions

I N A S S E M B L Y

May 1, 2009

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

AN ACT to amend the education law, in relation to telecommunications and
correspondence courses

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

- 1 Section 1. Section 355 of the education law is amended by adding a new
2 subdivision 20 to read as follows:
3 20. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
4 THE CONTRARY, IN ORDER TO QUALIFY FOR STATE AID APPORTIONMENTS PURSUANT
5 TO THIS ARTICLE, AN INSTITUTION SHALL NOT BE CONSIDERED TO MEET THE
6 DEFINITION OF INSTITUTIONS PROVIDING HIGHER EDUCATION AS PROVIDED IN
7 THIS ARTICLE IF SUCH INSTITUTION OFFERS OR ENROLLS MORE THAN FIFTY
8 PERCENT OF SUCH INSTITUTION'S TOTAL NUMBER OF ALL COURSES BY TELECOMMU-
9 NICATIONS OR CORRESPONDENCE, EXCEPT THAT THE COMMISSIONER, AT THE
10 REQUEST OF SUCH INSTITUTION, MAY WAIVE THE APPLICABILITY OF THIS SUBDI-
11 VISION TO SUCH INSTITUTION FOR GOOD CAUSE, AS DETERMINED BY THE COMMIS-
12 SIONER.
- 13 S 2. Section 6221 of the education law is amended by adding a new
14 subdivision F to read as follows:
15 F. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
16 THE CONTRARY, IN ORDER TO QUALIFY FOR STATE AID APPORTIONMENTS PURSUANT
17 TO THIS ARTICLE, AN INSTITUTION SHALL NOT BE CONSIDERED TO MEET THE
18 DEFINITION OF INSTITUTIONS PROVIDING HIGHER EDUCATION AS PROVIDED IN
19 THIS ARTICLE IF SUCH INSTITUTION OFFERS OR ENROLLS MORE THAN FIFTY
20 PERCENT OF SUCH INSTITUTION'S TOTAL NUMBER OF ALL COURSES BY TELECOMMU-
21 NICATIONS OR CORRESPONDENCE, EXCEPT THAT THE COMMISSIONER, AT THE
22 REQUEST OF SUCH INSTITUTION, MAY WAIVE THE APPLICABILITY OF THIS SUBDI-
23 VISION TO SUCH INSTITUTION FOR GOOD CAUSE, AS DETERMINED BY THE COMMIS-
24 SIONER.
- 25 S 3. This act shall take effect immediately.

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

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