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

1367

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, McENENY -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the provision of information relating to courses offered by institutions of higher education and the instructional material required therefor

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

Section 1. The education law is amended by adding a new article 128 to read as follows:

ARTICLE 128

COURSE AND INSTRUCTIONAL MATERIAL INFORMATION

SECTION 6370. COURSE CATALOG.
6371. BOOKSTORES.
6372. COMPLIANCE.
6373. VIOLATIONS.

S 6370. COURSE CATALOG. 1. EVERY INSTITUTION OF HIGHER EDUCATION SHALL, NOT LESS THAN SIXTY DAYS PRIOR TO THE COMMENCEMENT OF EACH SEMESTER OR TRIMESTER, IN WHICH COURSES OF INSTRUCTION ARE OFFERED BY SUCH INSTITUTION, ISSUE AND MAKE AVAILABLE A LIST OF ALL COURSES TO BE OFFERED DURING THE SEMESTER OR TRIMESTER WHICH SHALL INCLUDE FOR EACH COURSE:

(A) THE NAME OF THE COURSE;

(B) THE NAME OF THE PERSON OR PERSONS PROVIDING INSTRUCTION IN THE COURSE;

(C) A DESCRIPTION AND LISTING OF ALL INSTRUCTIONAL MATERIALS REQUIRED OR RECOMMENDED FOR STUDENTS ENROLLED IN THE COURSE; AND

(D) THE NUMBER OF STUDENTS REASONABLY EXPECTED TO BE ENROLLED IN THE COURSE.

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

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2. THE LISTING OF COURSES REQUIRED PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL BE PROVIDED TO ALL STUDENTS AND PROSPECTIVE STUDENTS OF THE INSTITUTION OF HIGHER EDUCATION, AND TO ANY OTHER PERSON SUBMITTING A REQUEST THEREFOR WITHIN ONE BUSINESS DAY OF SUCH REQUEST.

3. IN ADDITION TO THE INFORMATION REQUIRED TO BE PROVIDED BY SUBDIVISION ONE OF THIS SECTION, UPON SUBMISSION OF A REQUEST BY ANY PERSON AND WITHIN ONE BUSINESS DAY THEREOF, EVERY INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE EVERY SUCH PERSON WITH ALL INFORMATION RELATING TO INSTRUCTIONAL MATERIALS THAT IS PROVIDED TO THE STORE OR STORES OPERATED BY SUCH INSTITUTION AND ENGAGED IN THE SALE OF INSTRUCTIONAL MATERIALS.

4. ALL INFORMATION REQUIRED PURSUANT TO THIS SECTION SHALL BE PROVIDED WITHOUT A FEE OR CHARGE.

S 6371. BOOKSTORES. 1. IT SHALL BE THE POLICY OF THIS STATE TO ALLOW ALL PERSONS ENGAGED IN THE SALE OF INSTRUCTIONAL MATERIALS FOR COURSES PROVIDED AT INSTITUTIONS OF HIGHER EDUCATION, TO COMPETE ON AN EQUAL BASIS FOR THE SALE OF SUCH MATERIALS TO STUDENTS. TO FULFILL SUCH POLICY, EVERY INSTITUTION OF HIGHER EDUCATION SHALL:

(A) PERMIT ANY PERSON REGULARLY ENGAGED IN THE SALE OF INSTRUCTIONAL MATERIALS AND WHO SUBMITS A REQUEST THEREFOR TO PARTICIPATE IN ANY PROGRAM PROVIDING INFORMATION ON THE PURCHASE OF INSTRUCTIONAL MATERIALS BY STUDENTS, INCLUDING USED MATERIALS;

(B) PROVIDE ANY PERSON REGULARLY ENGAGED IN THE SALE OF INSTRUCTIONAL MATERIALS AND WHO SUBMITS A REQUEST THEREFOR TO RECEIVE A LIST OF THE NAMES AND ADDRESSES OF ALL STUDENTS OF SUCH INSTITUTION NOT LESS THAN SIXTY DAYS PRIOR TO THE COMMENCEMENT OF EACH SEMESTER OR TRIMESTER;

(C) AUTHORIZE ANY PERSON REGULARLY ENGAGED IN THE SALE OF INSTRUCTIONAL MATERIALS TO ADVERTISE THE SALE OF SUCH MATERIALS IN ANY PUBLICATION OR OTHER PUBLIC MEDIUM OPERATED BY SUCH INSTITUTION IN WHICH THE SALE OF INSTRUCTIONAL MATERIALS IS ADVERTISED BY SUCH INSTITUTION; AND

(D) SUBJECT TO THE RULES AND REGULATIONS OF THE COMMISSIONER AND IN COOPERATION WITH PERSONS REGULARLY ENGAGED IN THE SALE OF INSTRUCTIONAL MATERIALS, PROVIDE ACCESS TO MEANS ESTABLISHED BY SUCH INSTITUTION FOR THE PROVISION OF CREDIT TO AND BILLING OF STUDENTS FOR THE PURCHASE OF INSTRUCTIONAL MATERIALS SOLD BY SUCH PERSONS ON THE SAME BASIS AS THE SALE OF SUCH MATERIALS WHEN MADE BY SUCH INSTITUTION.

2. NO INSTITUTION OF HIGHER EDUCATION SHALL IMPOSE A FEE UPON ANY PERSON REGULARLY ENGAGED IN THE SALE OF INSTRUCTIONAL MATERIALS, FOR THE UTILIZATION OF ANY OF THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION, WHICH IS HIGHER THAN THE FEE IMPOSED UPON THE ENTITY OPERATED BY SUCH INSTITUTION THAT IS ENGAGED IN THE SALE OF EDUCATIONAL MATERIALS.

S 6372. COMPLIANCE. EVERY INSTITUTION OF HIGHER EDUCATION SHALL ESTABLISH AND PUBLISH A WRITTEN POLICY PROVIDING THE MEANS BY WHICH SUCH INSTITUTION SHALL COMPLY WITH THE PROVISION OF THIS ARTICLE. SUCH POLICY SHALL PROVIDE TO THE APPOINTMENT OF A COMPLIANCE OFFICER, WHO SHALL BE RESPONSIBLE FOR SUCH INSTITUTION'S COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE.

S 6373. VIOLATIONS. ANY INSTITUTION OF HIGHER EDUCATION WHICH VIOLATES THE PROVISIONS OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL FINE OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH SUCH VIOLATION.

S 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law; provided, that any rules, regulations and actions necessary for the implementation of the provisions of this act on its effective date are authorized and directed to be completed on or before such date.