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

9299

I N A S S E M B L Y

February 14, 2012

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

AN ACT to amend the education law, in relation to the powers and duties of councils of state-operated institutions in relation to the closure of academic programs, campus or buildings of such institutions

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

Section 1. Section 356 of the education law is amended by adding a new subdivision 4 to read as follows:

4. A. NOT LESS THAN SIX MONTHS BEFORE THE PROPOSED CLOSURE OF ANY ACADEMIC PROGRAM, CAMPUS, OR BUILDING OF A STATE-OPERATED INSTITUTION, THE COUNCIL SHALL ISSUE A DRAFT REPORT THAT PROVIDES THE JUSTIFICATION AND RATIONALE FOR SUCH CLOSURE INCLUDING, BUT NOT LIMITED TO:

(1) A FULL DESCRIPTION OF THE ACADEMIC PROGRAM, CAMPUS, OR BUILDING;

(2) THE PURPOSES THAT THE ACADEMIC PROGRAM, CAMPUS, OR BUILDING SERVES TO THE PEOPLE OF THE STATE;

(3) A COMPARISON OF THE ECONOMIC IMPACTS OF CLOSURE VERSUS CONTINUED OPERATION OF SUCH ACADEMIC PROGRAM, CAMPUS, OR BUILDING TO THE STATE, LOCAL GOVERNMENTS, SURROUNDING COMMUNITIES, AND THE PUBLIC;

(4) AN ANALYSIS OF THE POTENTIAL HARM TO SUCH CLOSURE OF SUCH CAMPUS OR BUILDING FROM VANDALISM, LACK OF MANAGEMENT AND MAINTENANCE, AND OTHER IMPACTS FROM THE LACK OF REGULAR OVERSIGHT;

(5) THE IMPACT OF SUCH PROPOSED CLOSURE OR TRANSFER ON THE ENTIRE UNIVERSITY SYSTEM;

(6) AN ANALYSIS OF ALTERNATIVE ACTIONS THAT MAY BE TAKEN BY THE STATE-OPERATED INSTITUTION TO INSURE THE CONTINUED FULL OPERATION OF THE ACADEMIC PROGRAM, CAMPUS, OR BUILDING; AND

(6) SUCH OTHER FACTORS THAT ARE PARTICULARLY RELEVANT TO THE ACADEMIC PROGRAM, CAMPUS, OR BUILDING.

B. NOT LESS THAN FOUR MONTHS BEFORE THE PROPOSED CLOSURE OF THE ACADEMIC PROGRAM, CAMPUS, OR BUILDING, THE COUNCIL SHALL PROVIDE PUBLIC NOTICE OF AND CONDUCT ONE OR MORE PUBLIC HEARINGS, INCLUDING ONE IN THE IMPACTED AREA OF THE PROPOSED CLOSURE. EACH PUBLIC HEARING SHALL ACCEPT WRITTEN STATEMENTS IN LIEU OF AN ORAL PRESENTATION. UPON CONCLUSION OF

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

LBD13528-01-1

THE PUBLIC HEARINGS ON A CLOSURE, THE COUNCIL SHALL ISSUE A FINAL REPORT WHICH INCLUDES THE RESPONSE ON ALL ISSUES RAISED AT THE HEARINGS AND INFORMATION ENTERED INTO THE HEARING RECORD. SUCH FINAL REPORT SHALL BE MADE AVAILABLE AND DISTRIBUTED TO THE PUBLIC. THE COUNCIL SHALL ISSUE AND SUBMIT TO THE GOVERNOR, THE STATE UNIVERSITY TRUSTEES, AND THE LEGISLATURE THE FINAL REPORT AND A FINDINGS STATEMENT ON EACH PROPOSED CLOSURE THAT PROVIDES THE JUSTIFICATION FOR SUCH CLOSURE OR, IN THE ALTERNATIVE, THE INFORMATION THAT SUPPORTS THE CONTINUED OPERATION OF THE ACADEMIC PROGRAM, CAMPUS, OR BUILDING.

C. NO ACADEMIC PROGRAM, CAMPUS, OR BUILDING SHALL BE CLOSED UNTIL THE STATE LEGISLATURE SHALL HAVE BEEN IN RECEIPT OF THE FINAL REPORT AND FINDINGS STATEMENT AND THE STATE LEGISLATURE SHALL HAVE ADOPTED A CONCURRENT RESOLUTION AUTHORIZING SUCH CLOSURE OR TRANSFER.

D. THE CLOSURE OF ANY CAMPUS OR BUILDING SHALL CONSTITUTE A TYPE ONE ACTION PURSUANT TO ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW.

S 2. This act shall take effect immediately.