

S. 2472

A. 2983

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

January 21, 2011

IN SENATE -- Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

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

AN ACT to amend the education law, in relation to a corrective action plan

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

1 Section 1. Subdivision 1 of section 5003 of the education law is
2 amended by adding a new paragraph e to read as follows:
3 E. (1) IF THE COMMISSIONER FINDS THAT A VIOLATION HAS OCCURRED, IT
4 SHALL ALLOW THE SCHOOL AN OPPORTUNITY TO DEVELOP A CORRECTIVE ACTION
5 PLAN THAT WILL REMEDY THE VIOLATION, UNLESS THE COMMISSIONER SEEKS A
6 DETERMINATION THAT THE SCHOOL SHOULD NOT BE ALLOWED TO DO SO PURSUANT TO
7 SUBPARAGRAPH TWO OF THIS PARAGRAPH. THE CORRECTIVE ACTION PLAN SHALL BE
8 DEVELOPED BY THE SCHOOL WITH INPUT FROM THE COMMISSIONER WITHIN THIRTY
9 DAYS OF WRITTEN NOTICE OF A VIOLATION. THE SCHOOL WILL BE GIVEN A MINI-
10 MUM OF SIX MONTHS TO IMPLEMENT THE CORRECTIVE ACTION PLAN, STARTING FROM
11 THE DATE OF RECEIPT OF THE COMMISSIONER'S WRITTEN APPROVAL OF THE PLAN.
12 IF A SCHOOL'S LICENSE HAS EXPIRED AT THE TIME THE WRITTEN NOTICE OF
13 VIOLATION IS RECEIVED, THE SCHOOL SHALL CONTINUE OPERATING IN A PROBA-
14 TIONARY LICENSE STATUS DURING THE PERIOD FOR WHICH IT HAS BEEN AUTHOR-
15 IZED TO IMPLEMENT THE CORRECTIVE ACTION PLAN. AT THE END OF THE CORREC-
16 TIVE ACTION PLAN'S IMPLEMENTATION PERIOD, THE COMMISSIONER SHALL
17 DETERMINE WHETHER THE SCHOOL HAS SUCCESSFULLY IMPLEMENTED THE CORRECTIVE
18 ACTION PLAN. IF THE SCHOOL FAILS TO MEET SOME OR ALL OF THE TERMS OF THE
19 CORRECTIVE ACTION PLAN, THE COMMISSIONER CAN EXTEND THE IMPLEMENTATION
20 PERIOD, INCLUDING ANY PROBATIONARY PERIOD EXTENSION, IF REQUIRED;
21 REQUIRE ADDITIONS OR MODIFICATIONS TO THE CORRECTIVE ACTION PLAN; INSTI-

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

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1 TUTE AN ACTION TO TERMINATE THE SCHOOL'S LICENSE; OR, IN THE CASE OF A
2 SCHOOL OPERATING PURSUANT TO A PROBATIONARY LICENSE EXTENSION, REFUSE TO
3 GRANT A RENEWAL OF THE SCHOOL LICENSE.

4 (2) IF THE COMMISSIONER DETERMINES THAT THE SCHOOL SHOULD NOT BE
5 AFFORDED AN OPPORTUNITY TO DEVELOP AND IMPLEMENT A CORRECTIVE ACTION
6 PLAN, THE COMMISSIONER SHALL IMMEDIATELY INITIATE A PROCEEDING TO DEMON-
7 STRATE BY CLEAR AND CONVINCING EVIDENCE WHY THE SCHOOL SHOULD NOT BE
8 ALLOWED TO DO SO. THE HEARING SHALL BE CONDUCTED BY AN IMPARTIAL HEARING
9 OFFICER DESIGNATED BY THE COMMISSIONER AND FINAL DECISION SHALL BE
10 RENDERED WITHIN THIRTY DAYS OF SERVICE OF THE NOTICE OF THE HEARING.
11 THE FINAL DECISION MAY NOT BE APPEALED. THIS PROCEEDING SHALL OTHERWISE
12 BE GOVERNED BY THE REQUIREMENTS FOR HEARING PROCEDURES SET OUT IN THIS
13 ARTICLE.

14 S 2. This act shall take effect immediately.