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

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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 in relation to the return of tuition to certain students of the state university attending the Southampton campus of the State University of New York at Stony Brook

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

Section 1. Legislative findings. The Legislature hereby finds that on April 7, 2010, the President of Stony Brook University made a decision to substantially close the Southampton campus of the Stony Brook University. On May 25, 2010, certain students of the Southampton campus challenged that decision by an article 78 proceeding. On August 30, 2010, the Supreme Court of the state of New York issued a memorandum decision granting the petition of the students. The court found that the president had violated the procedures of section 356 of the Education Law. The court annulled the decision of the president substantially closing the campus and granted the students a permanent injunction prohibiting the closure of the Southampton campus.

On August 10, 2011, the parties to the article 78 proceeding settled the litigation. In part, the president of Stony Brook University was required to "apologize for the disruption to the lives of the student-petitioners and other students" caused by the illegal decision and Stony Brook University was required to partially reimburse the legal fees of the student-petitioners.

The legislature further finds the decision to close the Southampton campus, in addition to be illegal as violated promises and commitments made to these students by the State University. In many cases, students, in reliance on such promises and commitments had foregone scholarships and admissions offers to other schools based upon this reliance. Many students chose the Southampton campus because of its small school, rural atmosphere, which could not be duplicated at Stony Brook. The suddenness and timing of the decision left students with no alternatives to attending Stony Brook University.

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

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Therefore, the legislature concludes that in order to exercise good faith to these students, they should be entitled to a one hundred percent return of tuition for the school year 2010-2011.

S 2. Notwithstanding the provisions of section 212-b of the education law or any other law to the contrary, any eligible student who paid tuition to Stony Brook University for either the fall or spring term of the 2010-2011 school year, or both, who demands a refund in writing for such term or terms before the ninetieth day after the effective date of this act shall be entitled to a one hundred percent reimbursement of such tuition within sixty days of receipt of such demand by the university. For the purposes of this act, an "eligible student" shall mean a student in good standing of Stony Brook University attending classes at the Southampton campus as of April 7, 2010.

S 3. This act shall take effect immediately.