STATE OF NEW YORK

_____

8389

2021-2022 Regular Sessions

IN ASSEMBLY

October 20, 2021
_____

Introduced by M. of A. HYNDMAN -- read once and referred to the Commit-
    tee on Higher Education

AN ACT to amend the education law, in relation to the registration of
    new curricula or programs of study offered by a not-for-profit college
    or university

    The People of the State of New York, represented in Senate and Assem-
    bly, do enact as follows:

```
 1    Section 1. The education law is amended by adding a new section  210-d
 2  to read as follows:
 3    § 210-d. Registration of curricula. 1. Notwithstanding any law, rule
 4  or regulation to the contrary, any new curriculum or  program  of  study
 5  offered  by  any  not-for-profit  college or university chartered by the
 6  regents or incorporated by special act of the legislature that does  not
 7  require  a master plan amendment pursuant to section two hundred thirty-
 8  seven of this part, charter amendment pursuant to  section  two  hundred
 9  sixteen  of  this  part,  or lead to professional licensure, and that is
10  approved by the state university board of trustees, the city  university
11  board  of  trustees, or the trustees or governing body of any other not-
12  for-profit college or university chartered by the regents which (a)  has
13  maintained  a physical presence in the state for the immediately preced-
14  ing ten years and has been operated continuously by the  same  governing
15  body  during  the same immediately preceding ten-year period, and (b) is
16  accredited and has continued its  accreditation  by  the  Middle  States
17  Commission  on  Higher  Education  or  another institutional accrediting
18  agency recognized by the secretary of the United  States  department  of
19  education  or  the  department  for the immediately preceding ten years,
20  shall be deemed registered with the  department  forty-five  days  after
21  notification  of approval by such college or university's governing body
22  and submission of a complete application for review.  If  within  forty-
23  five days of submission, the department determines the new curriculum or
24  program of study to be incomplete or insufficient, a written explanation
25  shall be provided to the institution. Upon curing, the new curriculum or
26  program  of  study shall be deemed registered with the department thirty
27  days after resubmission, or earlier upon the department's approval.
```

EXPLANATION--Matter in **_italics_** (underscored) is new; matter in brackets
                          [-] is old law to be omitted.
                                                      LBD11286-01-1

1   **2. Any not-for-profit college or university that meets the criteria**
2   **set forth in subdivision one of this section which has received curric-**
3   **ulum or program approval from the department and seeks to offer the same**
4   **curriculum or program in a distance learning format shall not need to**
5   **have such curriculum or program re-approved by the department, but shall**
6   **inform the department of such college's or university's intent to offer**
7   **such program in such format within thirty days prior to providing**
8   **distance learning.**
9   **3. If a college or university is placed on probation or has its**
10 **accreditation terminated by the institutional accrediting agency, such**
11 **college or university shall notify the regents in writing no later than**
12 **thirty days after receiving notice of its probationary status or loss of**
13 **accreditation by the institutional accrediting agency.**
14 **4. Any college or university which has its accreditation placed on**
15 **probation or terminated by the institutional accrediting agency or the**
16 **education department shall be subject to the commissioner's program**
17 **approval until it has been removed from probation or regained accredi-**
18 **tation by the institutional accrediting agency or the education depart-**
19 **ment, and shall further remain subject to such commissioner's program**
20 **approval until it has continued without probation for a period of not**
21 **less than six years.**
22 **5. If a college or university subject to this section intends to offer**
23 **or institute an additional degree or program which constitutes a**
24 **substantive change as defined and determined by the institutional**
25 **accrediting agency, then such college or university shall provide the**
26 **commissioner with copies of any reports or other documents filed with**
27 **the institutional accrediting agency as part of the institutional**
28 **accrediting agency's substantive change review process and shall inform**
29 **the commissioner when the substantive change is approved.**
30 **6. Any such college or university that does not satisfy all of the**
31 **provisions of this section shall comply with the procedures and criteria**
32 **established by the regents and commissioner for academic program**
33 **approval. Nothing in this section shall be deemed to limit the depart-**
34 **ment's existing authority to investigate a complaint concerning the**
35 **institution, or any program offered, including the authority to deregis-**
36 **ter the program.**
37 **7. The commissioner shall establish and maintain a database, accessi-**
38 **ble to institutions seeking curriculum or program approval, which shall**
39 **provide updated information on the current status of an institution's**
40 **submitted requests. To the extent practicable, the database shall**
41 **include, but is not limited to, the following information:**
42 **(a) acknowledgement and date of receipt of submission;**
43 **(b) the initial review by an office of college and university evalu-**
44 **ation;**
45 **(c) questions from the department to the specific institution and**
46 **receipt of answers provided by the institution in response; and**
47 **(d) any remarks and the final decision made by the department regard-**
48 **ing a curriculum's or program's approval or disapproval.**
49 **8. The commissioner is hereby authorized to promulgate rules and regu-**
50 **lations necessary for the implementation of this section.**
51 § 2. This act shall take effect on the ninetieth day after it shall
52 have become a law. Effective immediately, the addition, amendment
53 and/or repeal of any rule or regulation necessary for the implementation
54 of this act on its effective date are authorized to be made and
55 completed on or before such effective date.