STATE OF NEW YORK

3412

2023-2024 Regular Sessions

IN SENATE

January 31, 2023

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee 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 Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 210-d to read as follows:

§ 210-d. Registration of curricula. 1. Notwithstanding any law, rule or regulation to the contrary, any new curriculum or program of study offered by any not-for-profit college or university chartered by the regents or incorporated by special act of the legislature that does not require a master plan amendment pursuant to section two hundred thirty-seven of this part, charter amendment pursuant to section two hundred sixteen of this part, or lead to professional licensure, and that is approved by the state university board of trustees, the city university board of trustees, or the trustees or governing body of any other not-for-profit college or university chartered by the regents which (a) has maintained a physical presence in the state for the immediately preceding ten years and has been operated continuously by the same governing body during the same immediately preceding ten-year period, and (b) is accredited and has continued its accreditation by the Middle States Commission on Higher Education or another institutional accrediting agency recognized by the secretary of the United States department of education or the department for the immediately preceding ten years, shall be deemed registered with the department forty-five days after notification of approval by such college or university's governing body and submission of a complete application for review. If within forty-five days of submission, the department determines the new curriculum or program of study to be incomplete or insufficient, a written explanation shall be provided to the institution. Upon curing, the new curriculum or program of study shall be deemed registered with the department thirty 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.

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2. Any not-for-profit college or university that meets the criteria set forth in subdivision one of this section which has received curriculum or program approval from the department and seeks to offer the same curriculum or program in a distance learning format shall not need to have such curriculum or program re-approved by the department, but shall inform the department of such college's or university's intent to offer such program in such format within thirty days prior to providing distance learning.

3. If a college or university is placed on probation or has its accreditation terminated by the institutional accrediting agency, such college or university shall notify the regents in writing no later than thirty days after receiving notice of its probationary status or loss of accreditation by the institutional accrediting agency.

4. Any college or university which has its accreditation placed on probation or terminated by the institutional accrediting agency or the education department shall be subject to the commissioner's program approval until it has been removed from probation or regained accreditation by the institutional accrediting agency or the education department, and shall further remain subject to such commissioner's program approval until it has continued without probation for a period of not less than six years.

5. If a college or university subject to this section intends to offer or institute an additional degree or program which constitutes a substantive change as defined and determined by the institutional accrediting agency, then such college or university shall provide the commissioner with copies of any reports or other documents filed with the institutional accrediting agency as part of the institutional accrediting agency's substantive change review process and shall inform the commissioner when the substantive change is approved.

6. Any such college or university that does not satisfy all of the provisions of this section shall comply with the procedures and criteria established by the regents and commissioner for academic program approval. Nothing in this section shall be deemed to limit the department's existing authority to investigate a complaint concerning the institution, or any program offered, including the authority to deregister the program.

7. The commissioner shall establish and maintain a database, accessible to institutions seeking curriculum or program approval, which shall provide updated information on the current status of an institution's submitted requests. To the extent practicable, the database shall include, but is not limited to, the following information:

(a) acknowledgement and date of receipt of submission;

(b) the initial review by an office of college and university evaluation;

(c) questions from the department to the specific institution and receipt of answers provided by the institution in response; and

(d) any remarks and the final decision made by the department regarding a curriculum's or program's approval or disapproval.

8. The commissioner is hereby authorized to promulgate rules and regulations necessary for the implementation of this section.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.