

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:

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.

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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.