§ 210-b. Graduate-level teacher and educational leadership program deregistration and suspension. 1. The department shall suspend a graduate program's authority to admit new students if for three consecutive academic years, fewer than fifty percent of its students who have satisfactorily completed the program pass each examination that they have taken that is required for certification and shall notify currently admitted and enrolled students of such suspension. The graduate program shall be permitted to continue operations for the length of time it would take all currently admitted and/or enrolled students, if they were to attend classes on a full-time basis, to complete the requirements for their degrees. If, at any time during such period, the commissioner determines that student and/or program performance has significantly improved, the commissioner may reinstate the program's ability to admit new students. If the commissioner does not affirmatively reinstate the program's authority to admit new students during such time period, the program shall be deregistered. For purposes of this subdivision, students who have satisfactorily completed the graduate program shall mean students who have met each educational requirement of the program, excluding any requirement that the student pass each required New York State teacher certification examination for a teaching certificate and/or school building leader examination for a school building leader certificate in order to complete the program. Students satisfactorily meeting each educational requirement may include students who earn a degree or students who complete each educational requirement without earning a degree. When making such a determination, the department shall consider the performance on each certification examination of the cohort of students completing an examination not more than five years before the end of the academic year in which the program is completed or not later than the September thirtieth following the end of such academic year, where academic year is defined as July first through June thirtieth, and shall consider only the highest score of individuals taking a test more than once. When making such a determination the department may adjust its methodology for determining examination passage rates for one or more certification examinations to account for sample size and accuracy.

2. The institution may submit an appeal of a suspension of a graduate

program's ability to admit students or deregistration pursuant to this section in a manner and timeframe as prescribed by the commissioner in regulations. However, a program that has had its ability to admit students suspended shall not admit new students while awaiting the commissioner's decision on any appeal. An institution with a deregistered program shall not admit any new students in such program while awaiting the commissioner's decision on its application for registration.

3. The department may also, as prescribed by the commissioner in regulations, conduct expedited suspension and registration reviews for graduate programs, pursuant to regulations of the commissioner.