§ 6401. State aid for certain independent institutions of higher learning. 1. Notwithstanding the provisions of any general, special or local law to the contrary, the commissioner is hereby authorized to apportion for each annual period commencing July first nineteen hundred seventy-six and to pay to any independent institution of higher education within the state which meets the requirements of subdivision two of this section, upon application by such institution, such amounts of state aid as are authorized to be paid by subdivision three of this section.

2. (a) Notwithstanding the provisions of any other law, in order to qualify for state aid apportionments pursuant to this section, any institution of higher education must meet either the requirements set forth in subparagraphs (i) through (vi) of this paragraph or, in the alternative, the requirements set forth in paragraph (b) of this subdivision:

(i) The institution must be a non-profit college or university incorporated by the regents or by the legislature, or a school of medicine, dentistry or osteopathy authorized by the regents to confer the degree of doctor of medicine, doctor of medical science, doctor of dental surgery or doctor of osteopathy.

(ii) The institution must maintain one or more earned degree programs, culminating in an associate or higher degree.

(iii) The institution must meet such standards of educational quality applicable to comparable public institutions of higher education, as may be from time to time established by the regents.

(iv) The institution must be eligible for state aid under the provisions of the constitution of the United States and the constitution of the state of New York.

(v) The institution must submit a financial statement which shall include total assets and liabilities, in such form as may be approved by the commissioner.

(vi) The institution must have total endowment assets of less than seven hundred fifty million dollars ($750,000,000), based on the most recent academic year data collected in the Integrated Postsecondary Education Data System, as required under Title IV of the Higher Education Act of 1965, as amended, and reported by the Department of

Education's National Center for Education Statistics.

(b) An institution of higher education located in this state, at least one-half of the students of which are economically disadvantaged, and the course credits and degrees of which are offered by a consortium of sponsoring colleges, each of which sponsoring colleges satisfies the following requirements, shall qualify for state aid apportionments pursuant to this section:

(i) The sponsoring college must be non-profit college or university incorporated by the regents or by the legislature.

(ii) The sponsoring college must maintain one or more earned degree programs, culminating in an associate or higher degree.

(iii) The sponsoring college must meet such standards of educational quality applicable to comparable public institutions of higher education, as may be from time to time established by the regents.

(iv) The sponsoring college must be eligible for state aid under the provisions of the constitution of the United States and the constitution of the state of New York.

(v) The sponsoring college must submit a financial statement which shall include total assets and liabilities, in such form as may be approved by the commissioner.

(vi) The sponsoring college must have total endowment assets of less than seven hundred fifty million dollars ($750,000,000), based on the most recent academic year data collected in the Integrated Postsecondary Education Data System, as required under Title IV of the Higher Education Act of 1965, as amended, and reported by the Department of Education's National Center for Education Statistics.

3. Degree awards. The amount of such annual apportionment to each institution meeting the requirements of subdivision two of this section shall be computed by multiplying by not to exceed six hundred dollars the number of earned associate degrees, by not to exceed one thousand five hundred dollars the number of earned bachelor's degrees, by not to exceed nine hundred fifty dollars the number of earned master's degrees, and by not to exceed four thousand five hundred fifty dollars the number of earned doctorate degrees, conferred by such institution during the twelve-month period next preceding the annual period for which such apportionment is made, provided that there shall be excluded from any

such computation the number of degrees earned by students with respect to whom state aid other than that established by this section or section sixty-four hundred one-a of this article is granted directly to the institution, and provided further that, except as otherwise provided in this subdivision, the amount apportioned for an associate degree shall be awarded only to two year institutions qualifying under subdivision two of this section. The regents shall promulgate rules defining and classifying professional degrees for the purposes of this section. Institutions qualifying for state aid pursuant to the provisions of paragraph (b) of subdivision two of this section shall, for purposes of this subdivision, be deemed to be the institutions which confer degrees. For purposes of this subdivision, a two-year institution which has received authority to confer bachelor degrees shall continue to be considered a two-year institution until such time as it has actually begun to confer the bachelor's degree. Thereafter, notwithstanding any other provision of law to the contrary, an institution which was formerly a two-year institution for the purposes of this section and which was granted authority by the regents to confer bachelor degrees, (a) such authority having been granted after the first day of June, nineteen hundred ninety-three, but before the first day of July, nineteen hundred ninety-three, (b) such authority having been granted after the first day of May, two thousand five, but before the first day of June, two thousand five, (c) such authority having been granted after the first day of April, two thousand nine, but before the first day of May, two thousand nine, or (d) such authority having been granted after the first day of December, two thousand nine, but before the first day of January, two thousand ten, may elect to continue to receive awards for earned associate degrees. Should such institution so elect, it shall not be eligible during the time of such election to receive awards for earned bachelor's degrees. Notwithstanding the preceding provisions of this subdivision, in the event that the total amount of such annual apportionments to all institutions meeting the requirements of subdivision two of this section would otherwise exceed the total amount appropriated for unrestricted aid to independent colleges and universities, the annual apportionment to each such institution shall be reduced proportionally.

4. Thirty-five percent of each such annual apportionment payable pursuant to this section shall be paid on or before October fifteenth, thirty-five percent shall be paid on or before February fifteenth, and the remaining thirty percent shall be paid on or before May fifteenth.

5. The commissioner shall promulgate regulations requiring the submission to him, by any institution intending to apply for state aid apportionments pursuant to this section, of reports in such form, at such times and containing such information as he shall by such regulations require, concerning, but not limited to such matters as the present and contemplated future programs, curricula and facilities of the institution, and its financial affairs, its long range plans and its progress in implementing such plans, and its administrative practices and procedures. No institution shall be eligible to receive any apportionment of state aid, or portion thereof, payable pursuant to this section unless such institution shall have submitted all reports required pursuant to such regulations, in form satisfactory to the commissioner.