

AMENDMENT OF THE RULES OF THE BOARD OF REGENTS

Pursuant to Education Law sections 207 and 216.

1. Section 3.23 of the Rules of the Board of Regents is amended to read as follows:

Section 3.23. Application and fees

An educational institution desiring incorporation or admission to the university or registration by the department shall file application giving the information required in such form and manner as shall be prescribed by the commissioner. The fee for a provisional charter shall be \$100; for a Regents certificate of incorporation, \$100; for an order of consolidation, \$100; for an extension of a provisional charter, \$60; for an absolute charter, \$60; for an amendment of a charter, \$60; [and] for an order dissolving a Regents corporation, \$60; for a certificate of existence shall be \$10, and for certified copies of charter actions taken by the Board of Regents shall be \$10. The fee, which shall accompany the filing of a request for the commissioner's consent to the filing with the Secretary of State of a certificate of incorporation, a certificate of amendment of a certificate of incorporation, an application for authority to do business in New York, a certificate of dissolution of a corporation, or a certificate of merger of a corporation, or for a waiver of the need to secure such consents, shall be \$20 for business corporations and \$10 for not-for-profit corporations.

2. Section 3.26 of the Rules of the Board of Regents is amended to read as follows:

Section 3.26. Consent to incorporation. Education Law, § 216

The commissioner, pursuant to Education Law section 216, may consent to the formation of a corporation or company under the Business Corporation Law, and Limited Liability Company Law and to the amendment of the certificate of incorporation, application for authority, or articles of organization of [a corporation] an entity so formed, whose purposes include the operation of a school or schools offering instruction in any of the grades 1 through 12, including instruction for the handicapped, or offering instruction at the kindergarten or prekindergarten level, if the proposed certificate of incorporation, application for authority, or articles of organization or amendment thereof specifically states that:

(a) Domestic business corporation.

(1) The corporation and any school or educational program which it may conduct shall be subject to and comply with all of the statutory provisions, rules of the Regents and regulations of the commissioner which would be applicable to a corporation created by the Regents pursuant to section 216 of the Education Law for the same purpose or purposes.

[(b)] (2) Within 30 days after receipt by the corporation of an order of the Board of Regents directing such action, the holders of a majority of all the outstanding shares of the corporation entitled to vote upon an amendment of the certificate of incorporation will cause to be filed with the Secretary of State a certificate of amendment to the certificate of incorporation deleting therefrom all provisions authorizing the corporation to operate such a school or schools, and changing the corporate name, if necessary, to delete therefrom any word or words which indicate that the corporation operates such a school or schools. Such an order of the Board of Regents shall be made only upon the

same grounds and after the same procedures as are applicable to the revocation of a charter granted by the Regents pursuant to section 216 of the Education Law for the purpose of authorizing the corporation thereby created to operate a school or schools.

(b) Foreign business corporation.

(1) The corporation and any school or educational program which it may conduct shall be subject to and comply with all of the statutory provisions, Rules of the Regents and Regulations of the Commissioner which would be applicable to a corporation created by the Regents pursuant to section 216 of the Education Law for the same purpose or purposes.

(2) Within 30 days after receipt by the corporation of an order by the Board of Regents directing such action, the corporation shall cause to be filed with the New York Secretary of State either a certificate of surrender of authority, or a certificate of amendment of the application for authority deleting therefrom all provisions authorizing the corporation to operate such a school or educational program, and changing the corporate name, if necessary, to delete therefrom any word or words which indicate that the corporation operates such a school or educational program. Such an order of the Board of Regents shall be made only upon the same grounds and after the same procedures as are applicable to the revocation of a charter granted by the Regents pursuant to section 216 of the Education Law for the purpose of authorizing the corporation thereby created to operate a school or educational program.

(c) Domestic limited liability company.

(1) The company and any school or educational programs which it may conduct shall be subject to and comply with all of the statutory provisions, Rules of the Regents

and Regulations of the Commissioner which would be applicable to a corporation created by the Regents pursuant to Section 216 of the Education Law for the same purpose or purposes.

(2) Within 30 days after receipt by the company of an order by the Board of Regents directing such action, the company shall file with the Secretary of State a certificate of amendment to the articles of organization deleting therefrom all provisions authorizing the company to operate such a school or educational program, and changing the company name, if necessary, to delete therefrom any word or words which indicate that the company operates such a school or educational program. Such an order of the Board of Regents shall be made only upon the same grounds and after the same procedures as are applicable to the revocation of a charter granted by the Regents pursuant to section 216 of the Education Law for the purpose of authorizing the corporation thereby created to operate a school or educational program.

(d) Foreign limited liability company.

(1) The company and any school or educational programs which it may conduct shall be subject to and comply with all of the statutory provisions, Rules of the Regents and Regulations of the Commissioner which would be applicable to a corporation created by the Regents pursuant to Section 216 of the Education Law for the same purpose or purposes.

(2) Within 30 days after receipt by the company of an order by the Board of Regents directing such action, the company shall file with the New York Secretary of State either a certificate of surrender of authority, or a certificate of amendment of the application for authority deleting therefrom all provisions authorizing the company to

operate such a school or educational program, and changing the company name, if necessary, to delete therefrom any word or words which indicate that the company operates such a school or educational program. Such an order of the Board of Regents shall be made only upon the same grounds and after the same procedures as are applicable to the revocation of a charter granted by the Regents pursuant to section 216 of the Education Law for the purpose of authorizing the corporation thereby created to operate a school or educational program.