

AMENDMENT OF THE RULES OF THE BOARD OF REGENTS

Pursuant to sections 207, 210, 215, 216, 218, 223 and 224 of the Education Law.

Section 3.59 of the Rules of the Board of Regents is amended by adding a new subdivision (f) to read as follows:

(f) Provisions for highly qualified out-of-state institutions of higher education.

(1) For purposes of this subdivision, the term "highly qualified out-of-state institution" shall mean an independent, not-for-profit institution of higher education that:

(i) is authorized to offer degree programs in a United States state or territory other than New York State, for at least 25 years;

(ii) is currently certified to participate in Title IV aid programs, without provisional status or sanction, for the last 5 years; and

(iii) has been accredited for at least 10 years by an institutional accrediting agency recognized by the United States Department of Education, and no adverse actions have been taken during such time period.

(2) Where an institution authorized to offer degree programs in New York State pursuant to this section seeks to merge or consolidate with a highly qualified out-of-state institution, a written agreement and plan shall be entered into setting forth such intent and an application shall be submitted pursuant to Education Law §223 or, if sole-membership with a highly qualified out-of-state institution is desired, an application pursuant to Education Law §219 shall be made.

(3) The highly qualified out-of-state institution shall submit an application for a charter as an educational corporation in New York and for degree granting authority demonstrating that it meets the requirements for a provisional charter pursuant to

Education Law § 217 and section 3.22 of this Part, or for an absolute charter pursuant to Education Law §216 and section 3.21 of this Part. Provided, however, that the Board of Regents shall determine whether such institution receives a provisional or absolute charter. Where the Board of Regents approves such application:

(i) such institution and the resulting chartered corporation shall demonstrate that they meet all the requirements in this section to obtain authorization to offer degree programs in New York State provided, however, that:

(a) the Board of Regents shall determine whether such institution and the resulting chartered corporation would hold provisional authorization to offer degree programs pursuant to subdivision (c) of this section, or a permanent authorization to offer degree programs pursuant to subdivision (d) of this section; and

(b) such institution and resulting chartered corporation need not meet the requirement of paragraph (2) of subdivision (b) of this section; and

(ii) prior to recruiting or enrolling students in any curricula not currently registered to the institution already authorized to offer degree programs in New York State, the institution and the resulting chartered corporation shall apply for new program registration and a master plan amendment, if applicable.