



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: Full Board

FROM: Johanna Duncan-Poitier

SUBJECT: Proposed Amendment of Section 150.4 of the Regulations of the Commissioner, Relating to State Aid for High Need Nursing Programs

DATE: August 28, 2009

STRATEGIC GOAL: Goals 1 and 2

AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt as a permanent rule the amendment to section 150.4 of the Regulations of the Commissioner relating to State aid for high need nursing programs?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is being presented to the Full Board for adoption as a permanent rule at the September 2009 Regents meeting.

Procedural History

The proposed amendment was discussed by the Higher Education Committee and adopted by the Full Board as an emergency action at the May Regents meeting. At its July meeting, the Board of Regents adopted the proposed amendment as a second

emergency measure to ensure that the May 2009 emergency rule remained continuously in effect until the effective date of its adoption as a permanent rule.

Background Information

Section 6401-a of the Education Law, as added by Chapter 57 of the Laws of 2007 and as amended by Chapter 57 of the Laws of 2008, authorized the Commissioner of Education to award State aid for high needs nursing programs at certain independent institutions of higher education within the State. Specifically, the law:

- Authorized the Commissioner to grant State aid awards to each eligible institution within the amounts appropriated, not to exceed one million dollars and based on the availability of funds.
- Required the eligible institution to apply by September 15 of the academic year for which they are seeking the State aid, and to provide by November 15 of each year, certification by the chief executive officer as to the number of full-time students enrolled in such nursing programs in the fall semester.
- For jointly registered nursing degree programs, clarified that the institution granting the degree shall receive the State aid award.
- Ensured that no portion of State aid paid to a higher education institution under this section be used for religious instruction, religious worship, or for the advancement or inhibition of religion (consistent with the Blaine Amendment of the NYS Constitution).

It also defines an eligible institution as a higher education institution that meets the following requirements: (1) the institution must be a non-profit or independent college or university incorporated by the Regents or the Legislature that is geographically located in New York State; (2) the institution must maintain an earned nursing degree program registered by the department, culminating in an associate degree or higher; (3) 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; and (4) the institution must meet the requirements for State aid under the constitutions of the United States and the State of New York.

Currently, section 150.4 of the Regulations of the Commissioner of Education requires each institution to submit an annual report to the Department by June 1, detailing each expenditure of State aid. Institutions, however, are required to submit a report to the Department by November 15, certifying the number of students enrolled in a high needs nursing program at such institution for the fall semester and they do not receive any State aid until March or later. Therefore, the current June 1 date for submission of annual reports detailing expenditure of such aid does not provide a sufficient amount of time for institutions to comply. The purpose of the proposed amendment is to extend the deadline for submission of annual reports from June 1 to

November 15 of each year to provide institutions with an adequate amount of time to submit their annual reports.

Recommendation

Staff recommends that the Regents take the following action:

VOTED: That section 150.4 of the Regulations of the Commissioner of Education be amended as submitted, effective October 8, 2009.

Timetable for Implementation

The proposed amendment was adopted as an emergency rule at the July 2009 Regents meeting, effective August 20, 2009. If adopted by the Board of Regents at its September 2009 Regents meeting, the permanent rule will take effect on October 8, 2009.

Attachment

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF
EDUCATION

Pursuant to sections 207, 215 and 6401-a of the Education Law and
Chapter 57 of the Laws of 2008

Subdivision (f) of section 150.4 of the Regulations of the Commissioner of
Education is amended, effective October 8, 2009, as follows:

(f) Annual reports. Each eligible institution that receives State aid
pursuant to section 6401-a of the Education Law shall submit an annual report to
the commissioner by [June 1] November 15 of each year, detailing each
expenditure of State aid received and any other information the commissioner
may require, in a form prescribed by the commissioner.