



DEPUTY COMMISSIONER
Office of Higher Education
Office of the Professions

CEO 06-02

June 28, 2006

To: Chief Executive Officers of Institutions of Higher Education in New York State

From: Johanna Duncan-Poitier 

Subject: Request for Comments on Proposed Policy Changes and Regulations Affecting Institutions of Higher Education

We seek your input on important policy and regulatory changes that will impact institutions of higher education in all sectors – independent, public, and proprietary.

Last month, the Regents Committee on Higher Education and Professional Practice discussed a report on the current processes for reviewing applications by non-degree granting proprietary schools to become proprietary colleges and by out-of-state proprietary colleges to open campuses in New York. The report identified some concerns with the current processes and their effect on student success in higher education. With input from the field, five recommendations to address those concerns were identified. The Committee of the Board of Regents endorsed these recommendations, most of which require amendments to the Rules of the Board of Regents and Regulations of the Commissioner of Education, while one will require legislative action. A summary of the recommendations is included in this memorandum. The entire report to the Regents is available on the State Education Department's Web site at:

www.regents.nysed.gov/2006Meetings/May2006/0506heppd3.htm.

The Regents will be discussing draft regulatory language for the first two recommendations this fall. Those recommendations will impact only the proprietary sector. Two additional recommendations concerning developmental/remedial coursework and admissions practices were proposed for institutions of higher education in all sectors. These recommendations, (4 and 5) will require more extensive feedback from the public and private sectors, as well as the proprietary sector since these would apply to all degree-granting institutions.

Timetable for Comment Process:

- **Recommendations #1 and 2.** These recommendations would only apply to the proprietary college sector and will be discussed as draft regulations by the Regents in September 2006. Your input would be appreciated as soon as possible, but no later than **July 25, 2006.**
- **Recommendation #3** requires legislative action. The Department plans to work with the Legislature next session on this proposed legislative strategy.
- **Recommendations #4 and 5** would affect all sectors. Beginning with this invitation for feedback, we are seeking greater input on these proposals. **We have not yet scheduled a time for the Regents to consider any proposed regulatory change for these two recommendations. Ample time will be made available to receive comment from the entire postsecondary community.**

The Five Recommendations are:

Recommendations that effect proprietary colleges (Comments due by July 25, 2006)

Recommendation #1: Require a transition period **before** new higher education institutions in New York State are given final authority to award degrees to ensure that standards of quality are upheld and students are appropriately served by proprietary colleges during the period of transition. This recommendation also would limit any expansion during the provisional period.

This step would be similar to the process of granting new independent colleges provisional charters before absolute charters are awarded.

Recommendation #2: Require that the sale of degree-granting proprietary institutions in New York State be approved by the Education Department **prior** to purchase and that the new owners demonstrate capacity to meet the education and fiscal standards to operate the institution before ownership is established. Regents approval of the transfer of degree authority to the new institution and/or owner will still be required.

Legislative Strategy

Recommendation #3: The Department will continue to pursue a legislative strategy to enhance the capacity to monitor the proprietary sector to ensure high standards of educational quality, protect the public's investment, and to take action in cases where institutions are out of compliance and students could be at risk.

**Proposals that would impact all institutions of higher education
(Comments due by August 25, 2006)**

Recommendation #4: Clearly define and differentiate remedial and developmental coursework from credit-bearing college coursework to ensure that all students are appropriately prepared to succeed and to graduate.

Recent academic visits have identified courses being taught for college credit that were not college level work. The definitions of remedial and developmental courses would be those long used for the Higher Education Opportunity Program (HEOP). Credit-bearing courses in fields in which New York State Learning Standards for K-12 exist would be defined as those that exceed the Standards' commencement level as set forth in Section 100.1(t) of the Commissioner's Regulations.

Recommendation #5: Strengthen admission policies. Ensure that prospective college students, especially those without a high school diploma or GED, have accurate information on the college, job placement, and/or transfer opportunities necessary to make educated enrollment decisions.

Potential amendments to the Commissioner's Regulations to implement this recommendation may include the following new policies:

- Requiring that institutions' admissions processes are separate and distinct from their recruitment processes and do not rely solely on the recruiter to make admissions decisions.*
- Ensuring that institutions have admissions representatives who are appropriately prepared for their jobs. Consider minimum education (e.g., a bachelor's degree) and experience requirements for paid admissions representatives.*
- Develop a policy for the review of transcripts of applicants educated outside the United States for translation, authenticity, and level of education by external agencies.*
- Ensuring that prospective students be provided in writing with all assertions made during the recruitment and admissions processes concerning career services, the jobs for which an educational program prepares students (including pay), job placement, and transferability of the college's credits and degrees. This will help to assure that applicants are better prepared to make informed enrollment decisions.*
- Ensuring that institutions provide TAP-eligible applicants with information on the limited number of terms for which TAP funds may be awarded before they enroll.*
- Develop an updated policy for institutions that accept students who do not have a high school diploma or a GED. This policy would require an institution to demonstrate that, before accepting such applicants, those applicants are required to pass an Ability-to-Benefit (ATB) examination that is appropriate for college-level programs offered by the*

*institution. Because the same ATB examinations have been approved by the U.S. Department of Education to enable applicants to both colleges and non-degree vocational schools to qualify for Title IV student aid, these tests alone are not necessarily adequate indicators of a student's ability to undertake a collegiate program of study. Appropriate academic support should be available for these students commensurate with the number of ATB students enrolled at the college. Also, as **mandated in the Governor's 2006-07 budget**, ATB tests administered for State student financial aid must now be administered by an independent organization*.*

Please send your comments to:

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Thank you in advance for your advice and assistance. If you have any questions, please do not hesitate to contact me or Assistant Commissioner Joseph Frey.

* Additional information on the importance of this new statutory mandate will be forwarded under separate cover.