



SHEEO

STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

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New York Bureau of Proprietary School Supervision

Vertical Tabs

1. Agency and Contact Information

1A1. Agency Name:

Bureau of Proprietary School Supervision New York State Education Department

1A2. Agency Description - Please review the description below and revise as appropriate (e.g., state executive agency, agency with appointed board, department or division within agency, etc.):

The Bureau of Proprietary School Supervision regulates private vocational schools including non-degree/certificate programs.

1A3. Agency Contact - Please review and correct as necessary the contact information below:

Richard Rose Director
Bureau of Proprietary School Supervision
New York State Department of Education rrose@nysed.gov [1]

1A4. Who should institutions contact if they have questions about your agency's authority, policies, or application process:

Richard Rose Director
Bureau of Proprietary School Supervision
New York State Department of Education rrose@nysed.gov [1]

1B. Links - Please provide web links to your agency home page, the regulations pertaining to authorization, and any other links important for understanding your agency's responsibility for authorization:

[Home page](#) [2]

1C1. Other Agencies - According to our records, the following agencies also have responsibility for authorization in the state. Please correct, add to, or clarify this list of authorizing authorities as necessary. These agencies will also be requested to complete this survey:

Office of College and University Evaluation

1C2. If the division of responsibility among these agencies is not clear, please explain:

Office of College and University Evaluation regulates degree-granting institutions.

Bureau of Proprietary School Supervision regulates all non-degree schools. Post-secondary non-degree-granting institutions should contact the Bureau of Proprietary School Supervision for guidance:

<http://www.acces.nysed.gov/bpss/> [2]

There are various other agencies that regulate programs such as: Department of Motor Vehicles, Department of State, Insurance Department, and Department of Criminal Justice Services.

2. Types of Educational Providers Authorized

2A1. Institution Types Authorized - Indicate the types of institutions that your agency authorizes. Feel free to provide a short explanation of any ambiguity:

Non-degree, not-for-profit institutions

Non-degree, for-profit institutions

2B1. Multiple Agencies - Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals):

Yes

2B2. If so, please explain:

In cases where schools offer exempt programs and non-exempt courses, ALL programs must obtain approval by BPSS.

2C1. Accreditation - Is accreditation required for an institution to be authorized in your state:

No

2D1. Does your agency authorize specific academic programs offered by institutions, only institutions themselves, or both:

Both Institutions and Programs

2D2. Clarifying comments:

We license schools, but also approve every course/curriculum offered at the school, on an individual basis.

2E1a. Education:

Yes

2E1b. Name and Contact information, Education:

Office of College and University Evaluation

www.highered.nysed.gov/highered [3]

E-mail: ocue@mail.nysed.gov [4]

2E2a. Nursing:

Yes

2E2b. Name and Contact Information:

NYS Education Department Office of the Professions – Nursing Board

www.op.nysed.gov/prof/nurse/ [5]

Nursing: opunit4@mail.nysed.gov [6]

Nurse Practitioner: opunit3@mail.nysed.gov [7]

2E3a. Social Work:

Yes

2E3b. Name and Contact Information:

www.op.nysed.gov/prof/sw/ [8]

opunit5@mail.nysed.gov [9]

2E4a. Counseling Psychology:

Yes

2E4b. Name and Contact Information:

www.op.nysed.gov/prof/psych/ [10]

opunit5@mail.nysed.gov [9]

2E5a. Allied Health Professions and Related Programs:

Yes

2E5b. Name and Contact Information:

Certified Dental Assisting

www.op.nysed.gov/prof/dent/ [11]

opunit3@mail.nysed.gov [7]

2E6a. Others (please list):

Yes

2E6b. Name and Contact Information:

Truck Driving Schools – Department of Motor Vehicles

www.nydmv.state.ny.us/forms/cr76.pdf [12]

518-473-5595

Security Guard – Department of Criminal Justice Services

<http://criminaljustice.state.ny.us/ops/sgtraining/index.htm> [13]

dcjsopssecurityguard@dcjs.state.ny.us [14]

Real Estate – Department of State

http://www.dos.ny.gov/licensing/re_salesperson/re_sales_edu.html [15]

518-474-4429

Insurance – Insurance Department

<http://www.ins.state.ny.us/iabedu.htm> [16]

coned@ins.state.ny.us [17]

In addition, for information regarding clinical internships in areas that lead to professional licensure in New York State, institutions should contact the Office of Professional Education and Program Review at:

opprogs@mail.nysed.gov [18].

You can find a list of the Professions at:

<http://www.op.nysed.gov/prof> [19].

3. Exemptions

3A1. General Exemptions - Are certain institutions or programs exempt by law or policy from your state authorization requirements:

Yes

3A2. If yes, to which institutions or programs does the exemption apply? How does it work (please describe)? If available, please provide any pertinent web links:

There are multiple exemptions, found at:

<http://www.acces.nysed.gov/bpss/schools/revisedlaw.htm#S5001> [20]

3A3. If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.:

Exemptions are not granted – schools are required to receive legal advice to ensure that they are operating in an exempt fashion. Previous attempts at issuing formal exemptions resulted in misuse by institutions.

If a school chooses to operate without a license, they are advised to be able to verify pertinent exemptions upon request of the Commissioner.

3B. Other Requirements - If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.):

See above.

3C1. Religious Institutions - Does your state constitution or do your state laws provide any exemptions for religious institutions:

Yes

3C2. If yes, are all religious institutions exempt (please describe):

For schools that teach religion only – not schools that train people in careers in religion (teachers, ministers, etc.).

3C3. If yes, are religious institutions that award only religious degrees or certificates exempt (please describe):

No.

4. Authorization of Distance Education

4A1. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be

authorized without regard to physical presence:

No

4B1. If not, does your agency determine whether an institution must be authorized based on a physical presence (“operating”) standard:

Yes

5. Physical Presence Policy – Common “Triggers”

5A. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard:

Physical presence is identified as any training location, office or recruiting space, corporate location, and/or server. Information about NYSED's physical presence policy and related guidance for out-of-state institutions on this matter can be found on the Web site of the Office of Higher Education at the following link:

<http://ohe32.nysed.gov/ocue/oosdistance.html> [21]. The information available through this link is relevant for all degree-granting institutions.

INSTRUCTIONAL ACTIVITIES

5B1a. Hosting short term, face-to-face, seminars or conferences in the state where students meet in person:

Yes

5B2a. Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution:

Yes

5B2c. Does this apply only to distance education students or more generally:

More Generally

5B2d. Clarifying Comments:

Any school that allows an internship/externship site in NYS would qualify as physical presence.

5B3a. Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently:

Yes

5B3c. Does this apply only to distance education students or more generally:

More Generally

PROPERTY IN THE STATE

5B6a. Housing ONLY computer servers or other equipment at a physical location in the state:

Yes

RECRUITING ACTIVITIES

5B8a. Organized, consistent, on - the - ground recruiting of students in the state by employees or agents of the institution:

Yes

5B8b. Clarifying Comments:

Agents must be licensed as out-of-state recruiters.

5B8c. What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs):

Yes

5B8d. Clarifying Comments:

Agents must be licensed as out-of-state recruiters.

THIRD PARTY AGREEMENTS/CONTRACTS

5B9a. Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.):

Yes

5B10a. Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution:

Yes

5B11a. Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution:

Yes

ADVERTISING

5B12a. Advertising in local media sources that are largely viewed by residents of the state :

No

5B13a. Advertising in national media sources that can be accessed by residents of the state:

No

EMPLOYMENT IN THE STATE

5B14a. Employing full-time faculty in the state to provide instruction via distance education programs to students in the state:

No

5B14b. Clarifying Comments:

Not considered physical presence unless school has an actual office in NYS.

5B14c. What about adjunct faculty:

No

5B14d. Clarifying Comments:

Not considered physical presence unless school has an actual office in NYS.

5B15a. Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state:

No

5B15b. Clarifying Comments:

Not considered physical presence unless school has an actual office in NYS.

5B15c. What about adjunct faculty:

No

5B15d. Clarifying Comments?:

Not considered physical presence unless school has an actual office in NYS.

5B16a. Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis:

Yes

OTHER

6. Application Process

6A. Description - Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents:

<http://www.acces.nysed.gov/bpss/schools/steps.htm> [22]

6B. Processing Time - Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate:

Schools are allowed 8 months from initial review by BPSS staff, to complete the application process. Depending on the issues found during the review, it could take between 3-12 months from initial application until approval.

6C. Duration - What is the authorization duration:

Two year initial license, then renewals every four years

6D. Maintenance - What does an institution need to do to maintain authorization:

Submit application for renewal and undergo a detailed file and onsite inspection

6E. Reporting - What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly:

Financial viability, student progress, current staff and curriculum approvals.

6F. Loss of Status - Can an institution lose its authorized status? If so, how?:

Yes - if serious violations of Education Law are uncovered, in cases of fraud, or for financial distress.

6Ga. Multi-Institutional Systems - Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process:

No, each school holds an independent license

6Gb. Would multi-institution public systems be treated the same as multi-location for-profit institutions:

Yes.

6I1. Amendments - Is your agency currently planning to amend its application process by

the end of 2013:

Yes

6I2. If yes, please provide a brief description of the anticipated change:

There is legislation pending that would allow for changes in application fees, teacher licensing requirements, financial statement requirements, and school ownership changes.

6I3. If yes, when does the agency expect the change to be fully implemented:

Spring 2012

7. Fees Associated with Authorization

7A. Application Fee - Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available:

Currently \$250 application fee + fees for agents, teachers, directors and curriculum approvals. Pending legislation will increase the new school application fee to \$5000 and will increase other fees slightly.

7B. Other Costs - Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.):

Tuition Assessment - .5% of gross tuition annually, agent licensing, teacher licensing, director licensing, curriculum approvals.

7C. Renewal Costs - What are the costs, if any, to renew authorization:

\$500-\$12,000 – depending on gross tuition income. Renewal fees will increase by 50% with new statute.

7D. Exemption Costs - What costs are associated with receiving a waiver or exemption to authorization:

None.

8. Interstate Reciprocity

8A. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe:

No.

8B. What is the process, if any, to obtain a reciprocal agreement with your state:

Not applicable.

8C. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements:

No.

8D. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate:

Possibly.

9. Consumer Protection and Student Complaints

9A1. Does your agency have a process for handling complaints about postsecondary institutions or programs::

Yes

9A2. If yes, please describe the process or provide a web link to the material that describes the complaint process:

All written complaints must be investigated. Students are asked to complete a Student Complaint Form, and each complaint is assigned to a specific investigator.

9A3a. If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions):

Yes

9A3b. Clarifying comments:

Students may complain to us, however, we will refer it to the state responsible for the school - the home state.

9A4. If available, please provide a web link to the complaint form:

[Complaint Form](#) [23]

9B. Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available:

Edward Kramer - Supervising Investigator - ekramer@mail.nysed.gov [24]

10. Enforcement

10A. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action:

A letter of inquiry is sent, and if school does not respond appropriately, schools are investigated.

10B. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies:

Appeals are informal until/unless disciplinary action is undertaken.

11. Legislative or Regulatory Changes

11A1. Amendments - Is your agency or state legislature currently planning to amend its

regulations or alter its physical presence policy:

No

11B1. Federal Regulations - Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations:

No

11C1. Other Changes - Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization:

No

Source URL: http://sheeo.org/sheeo_surveys/user/59

Links

- [1] <mailto:rrose@nysed.gov>
- [2] <http://www.acces.nysed.gov/bpss/>
- [3] <http://www.highered.nysed.gov/highered>
- [4] <mailto:ocue@mail.nysed.gov>
- [5] <http://www.op.nysed.gov/prof/nurse/>
- [6] <mailto:opunit4@mail.nysed.gov>
- [7] <mailto:opunit3@mail.nysed.gov>
- [8] <http://www.op.nysed.gov/prof/sw/>
- [9] <mailto:opunit5@mail.nysed.gov>
- [10] <http://www.op.nysed.gov/prof/psych/>
- [11] <http://www.op.nysed.gov/prof/dent/>
- [12] <http://www.nydmv.state.ny.us/forms/cr76.pdf>
- [13] <http://criminaljustice.state.ny.us/ops/sgtraining/index.htm>
- [14] <mailto:dcjsopssecurityguard@dcjs.state.ny.us>
- [15] http://www.dos.ny.gov/licensing/re_salesperson/re_sales_edu.html
- [16] <http://www.ins.state.ny.us/iabedu.htm>
- [17] <mailto:coned@ins.state.ny.us>
- [18] <mailto:opprogs@mail.nysed.gov>
- [19] <http://www.op.nysed.gov/prof>
- [20] <http://www.acces.nysed.gov/bpss/schools/revisedlaw.htm#S5001>
- [21] <http://ohe32.nysed.gov/ocue/oosdistance.html>
- [22] <http://www.acces.nysed.gov/bpss/schools/steps.htm>
- [23] <http://www.acces.nysed.gov/bpss/students/documents/ComplaintForm.pdf>
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