

Research References

Encyclopedias

NY Jur. 2d, Schools, Universities, & Colleges § 846, Municipal Regulations.

§ 6282. Exemption from taxation

The moneys and property of the fund and its operations shall be exempt from taxation.

(Added L.1966, c. 782, § 4.)

Library References

Taxation ⇨2353, 3488.

Westlaw Topic No. 371.

C.J.S. Taxation §§ 321 to 322, 339 to 340, 362, 1706.

Research References

Encyclopedias

NY Jur. 2d, Schools, Universities, & Colleges § 829, Facilities at Colleges and Universities Not Operated by or on Behalf of State.

NY Jur. 2d, Schools, Universities, & Colleges § 841, Administration.

NY Jur. 2d, Schools, Universities, & Colleges § 842, Powers.

NY Jur. 2d, Schools, Universities, & Colleges § 843, Acquisition and Holding of Property.

NY Jur. 2d, Schools, Universities, & Colleges § 844, Leases and Other Agreements; Security Interests.

NY Jur. 2d, Schools, Universities, & Colleges § 845, Fiscal Matters.

NY Jur. 2d, Schools, Universities, & Colleges § 846, Municipal Regulations.

ARTICLE 126—COMMUNITY COLLEGES AND STATE-AIDED FOUR-YEAR COLLEGES

Section

- 6301. Definitions.
- 6302. Authorization to establish community colleges.
- 6303. Programs and curricula of community colleges.
- 6304. Financing of community colleges.
- 6304-A. Reports to local sponsors.
- 6305. Non-resident and out-of-state students.
- 6306. Administration of community colleges—boards of trustees.
- 6307. Establishment of state-aided four-year colleges.
- 6308. Defense and indemnification of community college trustees, officers and employees.
- 6309. Reimbursement of defense costs incurred by or on behalf of community college trustees, officers and employees.
- 6310. Community college regions—administration and finance.

Cross References

- Applicability of not-for-profit corporation law, see Education Law § 216-a.
- Board of trustees of city university of New York prohibited from selling, transferring or otherwise disposing of land and buildings purchased by city funds used for community colleges, see Education Law § 6206.
- Community college severance provisions relating to the city university of New York, see Education Law § 6226.

New York Codes, Rules and Regulations

Code of standards and procedures for the administration and operation of community colleges under the program of state university of New York, see generally, 8 NYCRR 600.1 et seq.

§ 6301. Definitions

As used in this article, unless the context shall otherwise require, the following terms shall mean:

1. "State university trustees." Board of trustees of the state university.
2. "Community colleges." Colleges established and operated pursuant to the provisions of this article, either individually or jointly, by counties, cities, intermediate school districts, school districts approved by the state university trustees, or individually by community college regions approved by the state university trustees, and providing two-year post secondary programs pursuant to regulations prescribed by the state university trustees and receiving financial assistance from the state therefor.
3. "Local sponsor." Any city, county, intermediate school district, school district approved by the state university trustees, or

community college region approved by the state university trustees, sponsoring or participating in the establishment or operation of a community college.

4. "Community college region." A community college local sponsor composed of two or more contiguous counties, cities or school districts, or any combination thereof, which are eligible to appoint members to a community college regional board of trustees.

5. "Resident." A person who has resided in the state for a period of at least one year and in the county, city, town, intermediate school district, school district or community college region, as the case may be, for a period of at least six months, both immediately preceding the date of such person's registration in a community college or, for the purposes of section sixty-three hundred five of this article, his or her application for a certificate of residence; provided, however, that this term shall include any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, if such student:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school and applied for attendance at an institution or educational unit of the state university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state and applied for attendance at an institution or educational unit of the state university within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in an institution or educational unit of the state university in the fall semester or quarter of the two thousand one-two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state.

Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

In the event that a person qualified as above for state residence, but has been a resident of two or more counties in the state during the six months immediately preceding his application for a certificate

of residence pursuant to section sixty-three hundred five of this chapter, the charges to the counties of residence shall be allocated among the several counties proportional to the number of months, or major fraction thereof, of residence in each county.

(Added L.1948, c. 696, § 1. Amended L.1950, c. 819, § 1; L.1953, c. 271, § 4; L.1955, c. 769, § 2; L.1968, c. 1025, § 1; L.1984, c. 552, § 1; L.1995, c. 295, § 1; L.2002, c. 327, § 3, eff. July 1, 2002.)

Historical and Statutory Notes

L.1984, c. 552 legislation out as a note under Education Law
For effective date of 1984 amendment § 6310.
and repeal, see L.1984, c. 552, § 8, set

Cross References

State university trustees, see generally, Education Law §§ 353 to 355-a.

New York Codes, Rules and Regulations

Additional definitions, see 8 NYCRR 600.1.

Library References

Colleges and Universities ⇐1.
Westlaw Topic No. 81.
C.J.S. Colleges and Universities §§ 1 to 2.

Research References

ALR Library

58 ALR 1395, Workmen's Compensation: One Employed Concurrently or Jointly by Several.

Encyclopedias

NY Jur. 2d, Schools, Universities, & Colleges § 737, Approval and Supervision of Community Colleges and State-Aided Four-Year Colleges.
NY Jur. 2d, Schools, Universities, & Colleges § 755, Establishment; Local Sponsor or Sponsors.
NY Jur. 2d, Schools, Universities, & Colleges § 794, Community Colleges—Nonresident Students.

Notes of Decisions

Resident 1

local sponsors. 13 Op.State Compt. 92; 1957.

1. Resident

The six months' residence referred to in this section relates only to residents of

§ 6302. Authorization to establish community colleges

1. Any local sponsor, other than a community college region, acting through its local legislative body or board, or other appropri-

ate governing agency, which in the case of the city of New York acting as a local sponsor shall be the mayor of that city, may by local law, resolution, order or ordinance, and pursuant to the master plan, standards and regulations prescribed by the state university trustees and with the approval of said trustees:

- a. Establish a community college.
 - b. Elect to participate in and pay an appropriate share of the expenses involved in the community college program of any other local sponsor consenting to such arrangement.
 - c. Combine with one or more other local sponsors for the joint establishment and operation of a community college.
2. Pursuant to section sixty-three hundred ten of this article, any eligible county, city or school district acting through its local legislative body or board, may by local law or resolution, and pursuant to the master plan, standards and regulations prescribed by the state university trustees, and with the approval of said trustees, combine with one or more contiguous counties, cities or school districts, or any combination thereof, to constitute a community college region for the purpose of operating, as local sponsor, an existing community college which is currently sponsored by a city or school district other than a school district located in a city with a population of one million or more.

3. In the city of New York, the board of education, with the approval of the state university trustees, may act as a local sponsor in the establishment and operation, as a community college, of a post secondary technical vocational training institution which is partly supported by such board of education and partly supported by an educational foundation for an industry chartered by the board of regents. In addition to the community college programs and curricula authorized by this article, the institution may offer such baccalaureate, masters degree programs and curricula in support of its mission, in accordance with standards and regulations prescribed by the state university trustees, as may be authorized pursuant to the provisions of the master plan. Notwithstanding any other provision of law, the institution shall be financed and administered in the manner provided for community colleges.

4. Community colleges so established and operated shall be eligible to receive financial assistance from the state as hereinafter provided, which shall be paid to the local sponsor or sponsors, provided, however, that in the case of any local sponsor which shall have assigned such financial assistance to the dormitory authority, such payment shall be made to the commissioner of taxation and

finance for deposit in the community college tuition and instructional income fund.

5. Whenever a plan for a community college, other than a plan for participation in a community college region, shall have been formulated by a county board of supervisors and approved as provided in this section, the board of supervisors may submit the question of the establishment of the community college contemplated by such plan to a referendum at any general election at which all the voters of the county may vote. The form of the proposition shall be determined by the board of supervisors and shall include an estimate of the county's share of the initial capital cost and an estimate of the county's share of the annual cost of maintenance and operation. If the majority of the voters voting on such proposition shall approve the establishment of the community college, such college shall be deemed established and the board of supervisors shall proceed forthwith to exercise the powers and authority conferred upon it in this article.

6. a. Notwithstanding any other provision of law, community colleges established under this article shall have the authority to:

(i) Determine that the bidder on a contract for the purchase of apparel or sports equipment is not an acceptable bidder based on either of the following considerations:

(A) the labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor, or

(B) the bidder's failure to provide information sufficient for the state agency or corporation to determine the labor conditions applicable to the manufacture of the apparel or sports equipment.

(ii) Include in the internal policies and procedures governing procurement of apparel a prohibition against the purchase of apparel or sports equipment from any vendor based upon either or both of the following considerations:

(A) the labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or

(B) the bidder's failure to provide sufficient information for said state agencies to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

b. For the purposes of this subdivision the term:

(i) "apparel" shall mean goods, such as, but not limited to, sports uniforms, including gym uniforms, required school uniforms, shoes, including, but not limited to, athletic shoes or sneakers, sweatshirts, caps, hats, and other clothing, whether or not imprinted with a school's name or logo, academic regalia, lab coats and staff uniforms; and

(ii) "sports equipment" shall mean equipment, such as, but not limited to, balls, bats and other goods intended for use by those participating in sports and games.

(Added L.1948, c. 696, § 1. Amended L.1950, c. 819, § 1; L.1951, c. 427, § 1; L.1953, c. 272, § 1; L.1957, c. 181, § 1; L.1964, c. 576, § 37; L.1972, c. 464, § 18; L.1975, c. 356, § 1; L.1979, c. 204, § 1; L.1984, c. 552, § 2; L.1995, c. 295, § 2; L.2002, c. 350, § 11, eff. Sept. 1, 2002; L.2003, c. 562, § 5, eff. Sept. 1, 2003.)

Historical and Statutory Notes

L.2003, c. 562 legislation

L.2003, c. 562, § 6, provides:

"This act shall take effect September 1, 2003 and shall respectively apply to bids issued after such date; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date."

L.2002, c. 350 legislation

L.2002, c. 350, §§ 1, 2, provide:

"§ 1. Short title. This act [adding Labor Law §§ 213-a and 349 and amending Education Law § 6302, Labor Law § 347 and State Finance Law §§ 162 and 165] shall be known and may be cited as the 'New York state apparel workers fair labor conditions and procurement act'.

"§ 2. Legislative intent. It is the sense of this legislature that the state of New York, as a major purchaser of goods and services, must be cognizant of fair labor conditions in its actions as a market participant. Many consumers have legitimately revised their own purchase decisions in the face of revelations about sweatshop labor and conditions. The city of New York has recently enacted legislation to ensure that the labor standards utilized in the manufacture of its apparel are decent and just. It is therefore in-

cumbent that the state exercise appropriate awareness regarding the working conditions in which its extensive apparel purchases are made. The uniformed employees of our state often embody, and indeed represent, the high ideals which have made New York great. It is the intent and purpose of this legislation to ensure that through its market participation, the state continues to uplift economic standards of the workforce."

L.2002, c. 350, § 12, amended by L.2004, c. 663, § 3, eff. Oct. 26, 2004; L.2006, c. 338, § 1, eff. July 26, 2006, provides:

"§ 12. This act shall take effect on September 1, 2002 and shall respectively apply to bids issued after such date; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date; provided, however, that sections four through eight of this act [adding Labor Law § 349 and amending State Finance Law § 162] shall be deemed repealed on September 1, 2008."

L.1984, c. 552 legislation

For effective date of 1984 amendment and repeal, see L.1984, c. 552, § 8, set out as a note under Education Law § 6310.

Cross References

Duty to formulate plans—

Board of trustees of city university of New York, see Education Law § 6206.
State university trustees, see Education Law § 354.

General powers of local governments to adopt and amend local laws, see Municipal Home Rule Law § 10 et seq.

Home rule powers of local governments, see McKinney's Const. Art. 9, § 2.

Procedure for adoption of local laws by legislative body, see Municipal Home Rule Law § 20.

State aid for certain—

Higher educational institutions, see Education Law § 358.

Independent institutions of higher education, see Education Law § 6401 et seq.

State assistance to local government, see generally, State Finance Law § 54 et seq.

New York Codes, Rules and Regulations

Initial organization of a community college, see 8 NYCRR 601.1 et seq.

Regulations of the board of trustees of the state university, see generally, 8 NYCRR 300.1 et seq.

Library References

Colleges and Universities ⇐3.

Westlaw Topic No. 81.

C.J.S. Colleges and Universities § 2.

Research References

Encyclopedias

NY Jur. 2d, Public Works & Contracts § 97, Work in Connection With Materials Used on Public Projects.

NY Jur. 2d, Schools, Universities, & Colleges § 653, Pupil Transportation.

NY Jur. 2d, Schools, Universities, & Colleges § 755, Establishment; Local Sponsor or Sponsors.

Treatises and Practice Aids

New York Pattern Jury Instructions—Civil 2:225A, State or Municipal Liability—Public Premises and Ways—Prior Written Notice Required.

Notes of Decisions

Authority of local sponsor 4
Construction and application 1
Referendum 3
Site of college 5
State agency 2

1. Construction and application

Trustees and Boards of Education of school districts are the appropriate governing agencies authorized by this section to establish community colleges sponsored by such school districts. 1967, Op. Atty.Gen. (Inf.) March 14.

2. State agency

City University of New York (CUNY) was arm of State of New York, and employee's claim under § 1981 against CUNY thus was barred by Eleventh Amendment. *Chinn v. City University of New York School of Law at Queens College*, 1997, 963 F.Supp. 218. Federal Courts ⇐ 269

3. Referendum

Chapter 264, Laws of 1907, authorizing submission of proposed appropriation at taxpayers election does not authorize sub-

mission of proposition on question of establishing community college when such proposition contains no language appropriating money for such purpose. 5 Op. State Compt. File No. 3970, 1949.

4. Authority of local sponsor

Statutory scheme designating board of trustees of community college as sole party responsible for operation of college's facilities shielded city board of education, which sponsored college, from liability that might otherwise attach arising from maintenance of college facilities. *Jackson v. Board of Educ. of City of New York* (1 Dept. 2006) 30 A.D.3d 57, 812 N.Y.S.2d 91, issued 2006 WL 859270. *Municipal Corporations* ⇨ 747(4)

Under this section authorizing establishment of community colleges, board of trustees of college is of strictly limited authority and the county, the local sponsor, is the dominant member of the part-

nership and is given and required to exercise firm and close control of financial structure of the college and its fiscal operation, as respects both capital and income transactions. *Meyer v. Wiess* (3 Dept. 1966) 25 A.D.2d 174, 268 N.Y.S.2d 226. *Colleges And Universities* ⇨ 6(5); *Colleges And Universities* ⇨ 7

5. Site of college

Consent of county board is necessary for establishment of site of community college which site is given to county since in order to effectuate legislative mandate, the acceptance of such proffered accretion to capital of college and consequent encumbrance of future revenues from appropriations must, in combination at least, infringe upon authority of county board and be without the ambit of college board's authority. *Meyer v. Wiess* (3 Dept. 1966) 25 A.D.2d 174, 268 N.Y.S.2d 226. *Colleges And Universities* ⇨ 3

§ 6303. Programs and curricula of community colleges

1. Community colleges shall provide two-year programs of post high school nature combining general education with technical education relating to the occupational needs of the community, area or community college region in which the college is located and those of the state and the nation generally. Special courses and extension work may be provided for part-time students.

2. Training for certain occupational skills may be limited to selected community colleges by the state university trustees in order to avoid unnecessary duplication or overlapping of facilities and programs.

3. The curricula in community colleges shall be designed to serve the needs of students who seek two years of post secondary education and whose needs would not ordinarily be met by the usual four-year college curriculum. However, such colleges shall nevertheless provide sufficient general education to enable qualified students who so desire to transfer after completion of the community college program to institutions providing regular four-year courses except that the provision of such general education sufficient for transfer to institutions providing regular four-year courses shall be at the option of the local sponsor in any of the community colleges established upon discontinuance of a state institute of applied arts and sciences and upon discontinuance of the veterans vocational school at Troy pursuant to the provisions of section fifty-nine hundred nine of former article one hundred nineteen of this chapter.

4. The curricula of the community colleges shall be developed with the assistance and guidance of the state university trustees and shall be subject to their approval, and such modifications, amendments and revisions as they may from time to time prescribe.

5. Notwithstanding the provisions of any other general, special or local law, rule or regulation, community colleges may permit persons sixty years of age or over to audit courses given therein without tuition, examination, grading or credit therefor upon a space available basis, subject to the provisions of section sixty-three hundred four of this chapter, as determined by the president of each such institution, provided that such audit attendance does not deny course attendance at a community college by an individual who is otherwise qualified under the regulations and the provisions of section sixty-three hundred four of this chapter. The provisions of this paragraph shall not affect any state aid to community colleges granted pursuant to article one hundred twenty-six of this chapter.

(Added L.1948, c. 696, § 1. Amended L.1957, c. 828, § 2; L.1974, c. 1002, § 2; L.1974, c. 1003, § 1; L.1984, c. 552, § 3.)

Historical and Statutory Notes

L.1984, c. 552 legislation

For effective date of 1984 amendment and repeal, see L.1984, c. 552, § 8, set out as a note under Education Law § 6310.

L.1957, c. 828 legislation

A note appended to L.1957, c. 828, provided:

"Article one hundred nineteen of the education law provided for the establishment of five state institutes of applied arts and sciences for an experimental period in the cities of Binghamton, Buffalo, New York, White Plains and Utica. These institutes and the former veterans vocational school at Troy have all been discontinued pursuant to section fifty-nine hundred nine of the education law upon establishment of community colleges within the counties in which they were located or, in the case of the insti-

tute in the city of New York, within that city. The only provisions of article one hundred nineteen which have any present application are section fifty-nine hundred two and subdivision three of section fifty-nine hundred nine which limits the training offered at any of the community colleges established upon discontinuance of the former institutes and school substantially to terminal training as provided in section fifty-nine hundred two. Repeal of article one hundred nineteen will allow the courses in such colleges to include general education sufficient for transfer purposes. The accompanying amendment of the community college provisions will make it optional with the local sponsors of the successor institutions whether to expand their two-year courses to include such general education."

Cross References

Powers and duties of state university trustees regarding the regulation and formulation of curricula, see Education Law § 355.

New York Codes, Rules and Regulations

Criteria for state university trustees' approval of community college full-opportunity plans, see 8 NYCRR 601.6.

Programs, see 8 NYCRR 601.2.
Registration of curricula, see 8 NYCRR 52.1 et seq.

Library References

Colleges and Universities § 9.35(1).
Westlaw Topic No. 81.
C.J.S. Colleges and Universities § 42.

Research References

Encyclopedias

NY Jur. 2d, Schools, Universities, & Colleges § 756, Programs and Curricula.

Notes of Decisions

Construction and application 1

college but if such a course is made part of a college curricula, such an attorney may be hired by the college and police officers can attend as part of training program and tuition paid by municipal corporation employing them. 15 Op. State Compt. 323, 1959.

1. Construction and application

An attorney may not be hired by the county to teach a course as part of a police science program at a community

§ 6304. Financing of community colleges

1. The master plan, standards and regulations prescribed by the state university trustees shall include provisions for financing the capital costs and operating costs of such colleges in the following manner:

a. State financial aid shall be one-third of the amount of operating costs, as approved by the state university trustees. Operating costs shall not include any payment of debt service or rentals or other payments by a local sponsor to the dormitory authority pursuant to any lease, sublease or other agreement entered into between the dormitory authority and a local sponsor. Such aid for a college shall, however, be for two-fifths of operating costs for any fiscal year of the college during which it is implementing a program of full opportunity provided a plan has been approved by the state university trustees. Such plan, which shall be submitted by the college only after approval by the board of trustees and the local sponsor or sponsors, shall

(i) establish a policy of offering acceptance in an appropriate program of the college to all applicants residing in the sponsorship area who graduated from high school within the prior year and to applicants who are high school graduates and who were released from active duty with the armed forces of the United States within the prior year;

(ii) provide for full implementation of such policy by the fall semester of nineteen hundred seventy or, if the college demonstrates to the state university trustees that full implementation by such time would not be feasible and in the best interests of the college, provide for a timetable to achieve such full implementation within five years which provides for substantial growth in registration each year;

(iii) make provision for and contain adequate assurances of the expenditure of funds by the sponsor or sponsors at a level pursuant to state university regulations, at least that necessary to implement the plan;

(iv) provide for adequate programs of remediation, instruction and counselling to meet the needs of all students to be served by the college. The trustees may require periodic reports or certifications from colleges which have submitted plans which have been approved and may, in appropriate cases, revoke such approval in case a college is in default of implementing its plan.

b. (i) Operating costs shall not include any payment of debt service or rentals or other payments by a local sponsor to the dormitory authority pursuant to any lease, sublease or other agreement entered into between the dormitory authority and a local sponsor. Such operating costs shall be subject to such maximum limitations and joint regulations as shall be prescribed by both the city university trustees and the state university trustees with the approval of the director of the budget. Such limitations shall be based upon maximum allowances per student for each student in attendance in the case of operating costs, or in accordance with such other factors as may be deemed appropriate. Operating costs shall include courses offered for the purpose of providing occupational training or assistance to business for the creation and retention of job opportunities and for the improvement of productivity, through contracts or arrangements between a community college and a business, labor organization, or not-for-profit corporations or other nongovernmental organizations, including labor-management committees composed of labor, business and community leaders organized to promote labor-management relations, productivity, the quality of working life, industrial development, and retention of business in the community.

(ii) By December thirty-first, nineteen hundred seventy-three, the state university trustees shall develop a new formula for the financing of the operating costs of community colleges. Such formula may include maximum limitations, regulations, and incentives to achieve compliance with the code of standards and procedures for community colleges.