

# Article 129-B Deadlines Are Approaching

May 16, 2016

As you may already be aware, institutions must file a certificate of compliance with the provisions of Article 129-B with the New York State Education Department, by **July 1, 2016**. In addition, by July 1, 2016, and once every ten years thereafter, coinciding with the filing required by Article 129-A of the New York Education Law, institutions must file a copy of all written rules and policies they have adopted in accordance with Article 129-B.

Importantly, if an institution fails to file a certificate of compliance by **September 1, 2016**, such institution shall be **ineligible to receive state aid or assistance** until it files such a certificate.

Further, beginning after **September 1, 2016**, the New York State Education Department will conduct random audits of institutions to confirm compliance with the requirements of Article 129-B. Similar to the U.S. Department of Education's list of institutions under Title IX investigation, the New York State Education Department is scheduled to post information and statistics regarding institutional compliance with Article 129-B on its website as well.

While many provisions of Article 129-B reinforce or expand on existing obligations imposed on institutions by Title IX and/or the Clery Act, Article 129-B also includes a number of new requirements that significantly impact an institution's current policies and procedures. At this time, institutions should immediately commence a review of their policies and procedures to ensure compliance with Article 129-B. Pursuant to Article 129-B, and in accordance with existing federal obligations, institutions should also ensure that they have onboarding and ongoing educational training program in place prior to July 1, 2016. Certain groups of individuals must receive training in accordance with Article 129-B.

Should you have any questions or concerns, please do not hesitate to contact Kevin McDonough at [kmcdonough@cullenanddykman.com](mailto:kmcdonough@cullenanddykman.com), Jim Ryan at [jryan@cullenanddykman.com](mailto:jryan@cullenanddykman.com), or myself at [hdryer@cullenanddykman.com](mailto:hdryer@cullenanddykman.com).