



TO: The Honorable Members of the Board of Regents
FROM: William P. Murphy *William Murphy*
SUBJECT: ASA College: Revocation of degree-conferring authority
DATE: May 30, 2024
AUTHORIZATION(S): *Bellamy*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents revoke the degree-conferring authority of ASA College pursuant to Section 3.58(f) of the Rules of the Board of Regents?

Reason for Consideration

Required by Regents Rules.

Proposed Handling

This issue will come before the Full Board for action at the June 2024 Regents meeting.

Procedural History

ASA College was granted authority to confer degrees by the Board of Regents in 1999. In response to actions taken by the institution's accrediting agency and the United States Department of Education (USDE), the New York State Education Department (NYSED) initiated a review of the institution's capacity to continue to have degree-conferring authority, pursuant to Section 3.58(f) of the Rules of the Board of Regents. As outlined in Section 3.58(f), the first step in the process for determining whether to revoke or limit the degree-conferring authority of a proprietary institution for sufficient cause is to deny re-registration of the impacted programs pursuant to the requirements and procedures prescribed in Part 52 of the Regulations of the Commissioner. In June 2023, NYSED denied re-registration of the academic programs listed on the institution's Inventory of Registered Programs. This decision was upheld by the Commissioner on appeal. NYSED has determined that the institution violated substantive requirements of Part 52 of the Regulations of the Commissioner that demonstrate that the institution cannot offer quality programs leading to degrees. Therefore, in accordance with Section 3.58(f)(2) of the

Rules of the Board of Regents, it is recommended that the Board of Regents revoke in whole ASA College's authority to confer degrees.

Background Information

ASA College is a proprietary college located in Brooklyn, NY. The institution was granted degree-conferring authority by the Board of Regents in 1999, as the ASA Institute of Business and Computer Technology. The institution is authorized to offer Associate in Applied Science (A.A.S.), Associate in Occupational Science (A.O.S.), and certificate programs in business, computer technology, criminal justice, healthcare, and nursing. In 2010, the Middle States Commission on Higher Education (MSCHE) granted initial institutional accreditation to the institution¹. In March 2023, all college operations and academic activities ceased; there are currently no students, faculty, staff, or administrators.

Instability at the Institution

Between October 2021 and February 2023, ASA College experienced many disruptions, including:

- ASA College's owner/former president (Alex Shchegol) ousted most board members and reclaimed his position as president. He had previously been removed as president due to allegations of misconduct, yet he remained the institution's sole owner.
- Other members of the institution's leadership resigned but ultimately returned to the institution at the urging of the owner/president. Some subsequently resigned a second time.
- The institution experienced multiple changes to its accreditation status, ultimately leading to the withdrawal of accreditation.
- Because of the changes to accreditation status and other issues at the institution, ASA College was unable to access Title IV Federal Student Aid funds for an extended period of time.
- The institution was fined by the New York City Department of Consumer and Worker Protection for deceptive advertising.
- The institution was sued by the New York Legal Assistance Group (NYLAG), a non-profit legal group, for defrauding students. The case was ultimately settled.
- The institution repeatedly delayed payroll payments in 2022, due to lack of financial resources. No payroll payments were made after December 2022.
- The institution announced a delay in the start of the Fall academic term from October 20, 2022, to November 21, 2022. The institution later moved the start

¹ Before 2010, the College was accredited by the Accrediting Council for Independent Colleges and Schools.

date back to October 24, 2022, and began the Fall academic term without notifying MSCHE or NYSED.

- The lack of financial resources resulted in significant problems during the Fall academic term related to course instruction, academic support services, employee payrolls, and more.

MSCHE, USDE, and NYSED have all taken action in response to these disruptions. The actions of each agency are summarized below. At this time, NYSED recommends that the Board of Regents revoke, in whole, ASA College's authority to confer degrees. Additional support for this recommendation can be found in the attached correspondence sent to ASA College.

Summary of MSCHE Actions

In December 2021, MSCHE placed ASA College on Probation due to concerns about resources and governance. Throughout 2022, MSCHE repeatedly visited the institution and requested multiple reports. As a result of these visits and reports, MSCHE required the institution to "show cause" why its accreditation should not be withdrawn because of insufficient evidence that the institution is in compliance with MSCHE's standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements. In November 2022, MSCHE acted to withdraw its accreditation. This withdrawal of accreditation was effective March 1, 2023, and MSCHE considers the institution closed, effective February 24, 2023.

Summary of USDE Actions

In October 2021, the USDE notified ASA College that it would initiate a Program Review of the institution's administration of Federal Student Aid programs. In December 2021, USDE placed the institution on Heightened Cash Monitoring 2 (HCM2). As a result, ASA College could no longer receive funds under the advance payment method and was required to make disbursements to students from institution funds, prior to processing claims to USDE requesting reimbursement. In December 2022, USDE issued a new Financial Responsibility Composite Score² of -0.3 for ASA College, indicating that the institution is not financially responsible. In February 2023, USDE denied an \$8.4M HCM2 reimbursement claim because the institution failed to follow instructions. On March 16, 2023, USDE issued closed school notices, indicating that all campuses of ASA College are closed, effective February 24, 2023.

² The composite score reflects the overall relative financial health of institutions along a scale from negative 1.0 to positive 3.0. A score greater than or equal to 1.5 indicates the institution is considered financially responsible. Schools with scores of less than 1.5 but greater than or equal to 1.0 are considered financially responsible but require additional oversight. A school with a score less than 1.0 is considered not financially responsible. (From: <https://studentaid.gov/data-center/school/composite-scores>)

Summary of NYSED Actions

In December 2021, as a result of the institution's probationary accreditation status with MSCHE, NYSED placed ASA College on provisional status with the State Authorization Reciprocity Agreement (SARA) and prohibited the enrollment of additional students under SARA. (SARA participation covers enrollment of distance education students across state lines.) NYSED also initiated a review of ASA College's programs to determine whether the programs comply with applicable statutory and regulatory requirements. This review continued through 2022 and included multiple requests for information from the institution.

In December 2022, NYSED removed ASA College from SARA due to its failing Financial Responsibility Composite Score. Additionally, the president of the institution notified NYSED that it had no funds available to continue the fall academic term, which was scheduled to end on February 24, 2023. NYSED staff worked with the institution and MSCHE to explore partnerships that would allow students to complete the term. Due to liability concerns, the potential partners withdrew from these discussions. Ultimately, the lack of financial support resulted in significant disruptions related to course instruction, academic support services, employee payrolls, and more.

In January 2023, NYSED issued a letter (Attachment A) indicating that the ASA College was under review for its capacity to continue to have degree-conferring authority in New York State. As part of this review, NYSED conducted a site visit at the institution on February 16, 2023, during which NYSED staff met with faculty, administrators, board members, staff, and students. Additionally, NYSED sent surveys to all faculty, staff, and students to learn about their recent experiences at the institution.

During this same period, NYSED established a dedicated email box for students, faculty, and staff with concerns about ASA College. Additionally, NYSED created a webpage (<https://www.nysed.gov/asacollege>) that provides key information about the status of the institution, links to student resources, transcript request procedures, college transfer options, TAP and federal financial aid information, and international Student and Exchange Visitor Program (SEVP) resources. NYSED also worked with SUNY, CUNY, the Commission on Independent Colleges and Universities, and the Association of Private Colleges to identify transfer options that would allow ASA College students to complete their studies at another New York State degree-granting institution. Lastly, NYSED worked with the institution's registrar to secure copies of all student transcripts.

In April 2023, it became apparent that ASA College was no longer able to fulfill official transcript requests. Therefore, NYSED began providing this service on April 13, 2023, and has issued over 3,600 transcripts to former ASA College students to date.

In June 2023, NYSED denied re-registration of all programs listed on ASA College's Inventory of Registered Programs (Attachment B) and issued a site visit report (Attachment C). This denial was based on the following findings, which demonstrate violations of substantive provisions of Part 52 of the Regulations of the Commissioner:

- ASA College does not have sufficient resources to operate in compliance with Part 52.2(a), as evidenced by failure to meet a range of financial obligations, including fully meeting payroll over the previous six months.

- ASA College does not currently have adequate faculty to operate in compliance with Part 52.2(b), as evidenced by reports of faculty leaving partway through the Fall 2022 academic term, other faculty members compensating for these departures by teaching twenty-five or more credits by the end of the Fall 2022 academic term, and the current absence of any faculty employed by the institution.
- ASA College does not have adequate administration to operate in compliance with Part 52.2(e), as evidenced by the history of disruptive leadership changes, lack of sufficient personnel to carry out basic operational functions (such as creating a budget), and academic support functions (such as advisement), the dissolution of the Board of Trustees, and the inability to provide ongoing access to academic records (transcripts).

The institution appealed this determination in October 2023. The Commissioner denied the appeal in December 2023 (Attachment D), and NYSED discontinued all programs listed on the institution's Inventory of Registered Programs.

In March 2024, NYSED notified the institution's owner of its decision to recommend that the Board of Regents revoke, in whole, the institution's authority to confer degrees (Attachment E). No response or request for reconsideration was received pursuant to guidelines outlined in Section 3.58(f) of the Rules of the Board of Regents.

Related Regents Items

Not applicable.

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That, pursuant to §3.58(f) of the Rules of the Board of Regents, the Board of Regents revokes, in whole, the authority of ASA College to confer degrees.

Timetable for Implementation

If accepted by the Board of Regents, the revocation of ASA College's degree-conferring authority will become effective immediately.



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

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January 30, 2023

Jose Valencia
Interim President
ASA College, Inc.
151 Lawrence Street
Brooklyn, NY 11201
via email

Dear President Valencia:

This letter is to inform you that the New York State Education Department (NYSED) is commencing a review of ASA College's capacity to continue to have degree-conferring authority, pursuant to [Section 3.58\(f\)](#)¹ of the Rules of the Board of Regents. This review will examine the institution's registered academic programs, to determine their compliance with Part 52 of the Regulations of the Commissioner². During the review, NYSED may require the institution to undergo announced and unannounced site visits, as well as provide reports and written information to support its continued degree-conferring authority.

There are several reasons for NYSED to conduct this extensive review, to include the following actions or events: 1) The institution's failure to pay employees' salaries for work performed during the past three payroll periods; 2) Reports that several faculty and staff have resigned from their positions; 3) Reports that active Fall 2022 courses may not be meeting the minimum instructional hour requirements for the definition of credit-hour; 4) Reports that student access to required course materials was revoked during the Fall 2022 trimester; 5) Reports that the institution is not responding to active students' communications regarding their degree programs; 6) Reports that student transcripts are being withheld in violation of NYS Education Law Section 640; 7) the decision of the institution's accreditor, Middle States Commission on Higher Education (MSCHE) to rescind the institution's accreditation on March 1, 2023; and 8) Continued lack of access to Title IV funding, due to Heightened Cash Monitoring 2 (HCM2) restrictions.

We request that the institution submit a report to OCUEINFO@nysed.gov by no later than **Monday, February 6, 2023 at 5:00 PM (ET)**. The report must include the following items:

- a) Table for each registered program identifying all active/current faculty members. (Use attached template.)
- b) List of employees (include name and title) who have resigned from their position over the period from August 31, 2022 to present.

¹ Regents Rules 3.58 Proprietary college degree-conferring authority, (f) Revocation of or limitation on degree-conferring authority.

² Commissioner's Regulations Part 52, Registration of Curricula

- c) Description of how faculty evaluation was accomplished from January 1, 2022 to present.
- d) Schedule identifying all active/current classes for Fall 2022 trimester in New York State, including assigned faculty, instructional days and times, and classroom location(s).
- e) Documentation demonstrating that courses continue to meet the credit-hour definition in [50.1\(o\)](#).
- f) Documentation demonstrating that ASA College continues to provide students and faculty with adequate academic support services.
- g) Documentation demonstrating that all enrolled students continue to have access to academic advisement services.
- h) Description of how assigned facilities effectively support the academic offerings.
- i) Table identifying both the pay date due and actual date paid for each payroll in 2022 and 2023, including the status of 12/23/2022, 01/06/2023, and 01/20/2023 payrolls.
- j) Status update on all pending payments from the United States Department of Education (USDE) related to HCM2 restrictions, including copies of all communications with USDE from HCM2 placement to present.
- k) Budget for the 2023 fiscal year, showing all anticipated revenues and expenses.
- l) Documentation showing the institution has arranged for permanent storage and availability of student transcripts.

In addition, by no later than **Tuesday, January 31, 2023 at 5:00 PM (ET)** NYSED requests that ASA College:

- a) Provide NYSED with reliable contact information, including direct phone numbers and email addresses, of current staff and administrators, by function (e.g. transcript processing, financial aid, refunds, etc.); and
- b) publish a copy of this letter on the institution's website ([Accreditation and Approvals](#) webpage, which identifies ASA College's authorization by NYS Board of Regents to confer degrees).

If you have any questions or concerns about this process, please contact Jim Slavin at James.Slavin@nysed.gov.

Sincerely,



Emily J. Sutherland
Director

Attachment

CC: Alex Shchegol, Owner, ASA College
Frank Seddio, Board Chair, ASA College
Ksenia Kasimova, VP of Institutional Research and Operations, ASA College
William P. Murphy, Deputy Commissioner, Office of Higher Education, NYSED
Kathleen Egan, Supervisor, Higher Education Programs, OCUE, NYSED
James A. Slavin, Associate in Higher Education, OCUE, NYSED
Mei Zhou, Director, Professional Education, Office of the Professions, NYSED
Idna M. Corbett, Sr. Vice President for Accreditation Relations, MSCHE



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June 2, 2023

Via email and certified mail

Alex Shchegol, Owner
ASA College, Inc.
151 Lawrence Street
Brooklyn, NY 11201

ASA College, Inc.
383 Pearl Street
Brooklyn, NY 11202

Dear Mr. Shchegol:

On January 30, 2023, the New York State Education Department (NYSED) initiated a review of ASA College's capacity to continue to have degree-conferring authority, pursuant to [Section 3.58\(f\)](#) of the Rules of the Board of Regents. As part of this review, NYSED conducted an assessment of the institution's registered academic programs. NYSED has taken into consideration operational information provided by the institution, and evidence collected and/or confirmed during and after a February 16, 2023 campus site visit. NYSED has determined that ASA College has substantively violated sections of Part 52 of the Regulations of the Commissioner, related to the registration of curricula. Consequently, NYSED will not re-register the academic programs listed on the institution's Inventory of Registered Programs (IRP). Detailed observations and findings supporting this determination can be found in the attached Site Visit Report. A summary of NYSED's principal findings follows here:

1. ASA College does not have sufficient resources to operate in compliance with Part 52.2(a), as evidenced by failure to meet a range of financial obligations, including fully meeting payroll over the past six months.
2. ASA College does not currently have adequate faculty to operate in compliance with Part 52.2(b), as evidenced by reports of faculty leaving partway through the Fall 2022 trimester, other faculty members compensating for these departures by teaching twenty-five or more credits by the end of the Fall 2022 trimester, as well as the current absence of any faculty employed by the institution.
3. ASA College does not have adequate administration to operate in compliance with Part 52.2(e), as evidenced by the history of disruptive leadership changes, lack of sufficient personnel to carry out basic operational functions (such as creating a budget) and academic support functions (such as advisement), the dissolution of the Board of Trustees, and the inability to provide ongoing access to academic records (transcripts).

Based on the findings listed above, which comprise a substantial failure to comply with applicable provisions of Part 52 of the Regulations of the Commissioner, the re-registration of the academic programs listed on the IRP is denied.

In accordance with Section 52.1, the institution has the right to appeal this denial, pursuant to [Section 52.23](#) of the regulation. A notification of intent to appeal must be submitted to OCUEINFO@nysed.gov within fifteen calendar days of receiving this letter. Please note that, should the institution exercise its option to appeal, the full appeal must be submitted to OCUEINFO@nysed.gov within ninety calendar days of receiving this letter. The appeal shall take the form of a written statement which presents the institution's position and all evidence and information which the institution believes is pertinent to the case. A determination on the appeal, if one is submitted, will be made within sixty days of receipt by NYSED. Please note that the appeal may include a plan for achieving compliance with the regulation, in accordance with Section 52.1(l).

If ASA College does not appeal within this timeframe by following the steps outlined above, this letter will serve as the Department's final administrative decision on the matter. Also, if the appeal notification is not received within fifteen days, NYSED will proceed to discontinue the institution's registered academic programs, effective immediately.

Sincerely,



Emily J. Sutherland
Director

CC: William P. Murphy, Deputy Commissioner, Office of Higher Education, NYSED
James A. Slavin, Associate in Higher Education, OCUE, NYSED
Mei Zhou, Director, Professional Education, Office of the Professions, NYSED
Idna M. Corbett, Sr. Vice President for Accreditation Relations, MSCHE
Vanessa Dillard, Division Chief, New York/Boston School Participation Division, Partner Participation and Oversight, USDE, Federal Student Aid

Observations and Findings from the Site Visit to
ASA College
February 16, 2023

INTRODUCTION

On January 30, 2023, the Office of College and University Evaluation (OCUE) informed ASA College (College) that the New York State Education Department (NYSED) was commencing a review of ASA College's capacity to continue to have degree-conferring authority, pursuant to Section 3.58(f) of the Rules of the Board of Regents. This review would examine the institution's registered academic programs, to determine their compliance with Part 52 of the Regulations of the Commissioner.

As part of this review, NYSED visited ASA College's main campus, located at 151 Lawrence St., Brooklyn, NY 11201, on February 16, 2023, and met with administrators, faculty, staff, and students. The team comprised the following individuals:

- William P. Murphy, Deputy Commissioner, Office of Higher Education (OHE), NYSED
- Emily J. Sutherland, Director, OCUE, NYSED
- Kathleen F. Egan, Supervisor, Higher Education Programs, OCUE, NYSED
- James A. Slavin, Associate in Higher Education, OCUE, NYSED

The agenda for the visit included meetings with the following groups:

- Board of Trustees (Frank Seddio (Chair) and Dr. Nadeem Hussain)
- Interim President (Jose Valencia)
- Interim Provost (Edward Kufuor)
- Deans, Department Chairs, and Directors
- Registrar's Office
- Financial Aid Office
- Student Advisement
- Librarian
- Admissions Office
- Student Support Services
- Students

The College is owned by Alex Shchegol, who was not present during the site visit. Mr. Shchegol has also served as President at various times during the College's history.

The following sections list the vital components required to support the operational functions of a degree-granting institution. Each section includes applicable regulatory guidance, observations and/or confirmations made by the evaluation team, and findings related to compliance with NYSED standards. The institution provided the evaluation team with information related to the following areas for review prior to the site visit. This information was confirmed and/or clarified by the team during their interactions with administrators, faculty, staff, and students. Additional information was collected by the team after the visit, including the results of two surveys administered by NYSED: one to students and one to faculty and staff, asking for their thoughts on the situation at the College.

RESOURCES

Financial Resources

52.2(a)(1) *The institution shall possess the financial resources necessary to accomplish its mission and the purposes of each registered curriculum.*

Observations:

- The team met with the Interim President, who described the historical events from 2018 to present which caused the College's current condition.
- During the visit, the Interim President informed the team that all employees had not yet been paid for the payrolls dated 1/6/2023, 1/20/2023, and 2/03/2023. The Interim President also stated that there were no funds available at that time to pay employees for the next scheduled payroll on 2/17/2023. Additionally, faculty and staff were planning to continue to work through the end of the Fall 2022 trimester (2/24/2023) and/or through 3/01/2023. Employees confirmed during the visit that they had not been paid for these payrolls. NOTE: After the visit, OCUE was informed that the following additional payrolls remain unpaid: 2/17/2023, 3/3/2023, 3/17/2023, 3/31/2023 and 4/14/2023. According to information provided to NYSED on April 11, 2023, these eight unpaid payrolls total \$2,715,680.40.
- The Interim President informed the team that the College had at that time approximately \$30,000 in cash assets available from cash-paying students, who are primarily international. On January 30, 2023, OCUE requested that the College provide its 2023 operating budget by February 6, 2023. On February 6, 2023, the College provided its 2022 budget instead; responding to a second request, the College provided its 2023 operating budget to OCUE on February 13, 2023. During the site visit, the Interim President confirmed that there was no budget in place for 2023 at the time of the initial OCUE request.
- Employees did not mention to the site visit team that any of them had filed a complaint with the Department of Labor. However, a media article identified a class-action lawsuit from two dozen or so ASA College employees.
- The Interim President informed the team that no College employee had been denied unemployment eligibility. However, unemployment eligibility would not be provided if the employee continued to report to work. Many employees are continuing to report to work because they have been promised future payments for all work provided when funds are made available to the College. Some employees that the team spoke to assumed that they were not eligible for unemployment benefits because they were not terminated.
- The College was using Parchment, a records management company, to process transcript requests. The level of service at that time required College staff to fulfill each transcript request. At the time of the site visit, the Interim President informed the team that a contract with Parchment to provide full-service fulfillment of transcripts in the future, should the College close, was developed and signed, but that there are no funds available to initiate the contract.
- The Interim President informed the team that College leadership, including the Owner, feels there are enough students who would remain or return to the College if it were to remain open to make it a sustainable college once again. The Interim President informed the team

that the Owner expects that the College will be able to re-open for a Fall 2023 term. No evidence to substantiate this claim was provided.

- The information received about contracted student services was contradictory. The team was informed by Student Support Services staff that some contracts (e.g., Cengage) were cancelled midway through the Fall 2022 trimester and that vendors have requested judgements. However, the Interim President indicated that the College owed \$3-4M in vendor payments, but that course support services (e.g., Cengage, Pearson) have continued through the Fall 2022 trimester.
- The Interim President informed the team of a 30% loss of enrollment during COVID pandemic.
- The Interim President spoke about the advertisements ordered by the Owner to be placed on subways, which were characterized as inaccurate by the NYC Department of Consumer and Worker Protection (DCWP). ASA College later settled a lawsuit with the DCWP for \$112,500, which was to be paid in four installments of \$28,125 on 10/15/2022, 11/15/2022, 12/15/2022, and 1/15/2023. On March 30, 2023, the Interim President informed OCUE that the first settlement payment (\$28,125) was paid on October 15, 2023, and the remaining balance (\$84,375) remains unpaid.
- The Interim President informed the team that it took 6 months for the College to receive \$2.4M in financial aid reimbursement from U.S. Department of Education (USDE), due to the College's status of Heightened Cash Monitoring 2 (HCM2). Recently, the College submitted a claim for \$8.4M in reimbursement. If the reimbursement is received, the Interim President claimed that the College should be able to pay off debts, pay employee salaries, etc. NOTE: On February 16, 2023, NYSED was notified that USDE denied the claim, due to the College's failure to follow previously provided instructions.
- The Interim President informed the team that the College is waiting for approximately \$8M from the federal Employee Retention Credit (ERC), but at the time of the site visit, the College had not yet applied to IRS for this funding. He indicated that, if obtained, the College may be able to use the ERC approval to secure a loan to finance College operations.
- The Interim President informed the team that the College is continuing to serve international students, but some of these students are not paying their tuition.
- After the site visit, OCUE asked the Interim President for additional information. His response, dated March 24, 2023, included the following items:
 - o He plans to continue employment with ASA College as Interim President. NOTE: NYSED received a message on April 16, 2023, from the Interim President noting that he resigned his position at ASA College, effective April 14, 2023.
 - o The following 13 employees were identified as the only employees actively working at ASA College on March 24, 2023: Interim President, Interim Provost, VP of Operations & Institutional Research, VP of Financial Aid, VP of Communities & Government Relations, VP of Career Services & Externships, Director of Registrar's Office (Records), Director of IT, Director of Student Accounts, Director of Admissions, Academic Dean, Dean of Legal Studies, Coordinator of Campus Management College

Administration Systems & Student Helpdesk. NOTE: On April 16, 2023, Jose Valencia notified NYSED that he had resigned as Interim President, effective on April 14, 2023, and that all future communications should be directed to the Owner. On April 21, 2023, the Owner informed NYSED that the following 17 individuals are “active” employees of the College: Interim Provost, VP of Operations & Institutional Research, VP of Government & Community Relations, VP of Career Services & Alumni Affairs, Academic Dean, Director of Student Accounts, Director of IT, Director of Marketing, Associate Director of Admissions, Assistant Registrar, Consultant for HR, Student Accounts Coordinator, System Administrator, Campus Management Coordinator, Coordinator of Job Placement Department, Programmer Analyst, and Coordinator of Student Records Office. We were subsequently informed by the Interim Provost that he had resigned, and his last date of employment was March 31, 2023.

Findings:

The College is not in compliance with Commissioner’s Regulation 52.2(a)(1).

Facilities/Equipment Resources

52.2(a)(2) The institution shall provide classrooms, faculty offices, auditoria, laboratories, libraries, audio-visual and computer facilities, clinical facilities, studios, practice rooms, and other instructional resources sufficient in number, design, condition, and accessibility to support the curricular objectives dependent on their use.

52.2(a)(3) The institution shall provide equipment sufficient in quantity and quality to support instruction, research, and student performance.

Observations:

- The site visit team toured the College’s main campus location on Lawrence Street in Brooklyn. The College was also using a building around the corner on Pearl Street in Brooklyn. The Interim President informed the team that the College owed \$800,000 on the lease for the main campus location at the time of the site visit.
- The Interim President confirmed that the Manhattan branch campus was closed, due to lack of financial resources to pay the building lease. He stated that students of the Manhattan campus were completing their Fall 2022 coursework via distance education and/or at the main campus, and all faculty and academic resources were re-assigned and/or re-located to the main campus. The Interim President reported that the College owes \$18M to the property owner of the Manhattan location. He informed the team during the visit that the College was negotiating with the property owner.
- In his March 24, 2023, response to OCUE’s request for further information, the Interim President confirmed that the following lease bills remained unpaid: Manhattan branch campus (\$18M) and Brooklyn-Lawrence Street (\$1.2M). There are no outstanding lease payments due regarding the Brooklyn-Pearl Street location, as it is owned by the Owner of the College. The Interim President reported that, because of the missing rent payments, ASA would be moving out of the Lawrence Street building and moving into the Pearl Street building by April 30, 2023.

- The Interim President stated that the College had the facilities and enough supplies to support the College through the end of the Fall 2022 trimester. He stated that employee medical insurance and the building's electricity bill had been paid from revenues received from student tuition and fee payments. During the interview with Student Support Services staff, employees confirmed that there were sufficient supplies to finish the Fall 2022 trimester, but supplies were expected to be nearly depleted by the end of the term. The Interim President informed the team that the College no longer utilizes any student dormitory (leasing/renting) facilities, and that there are no outstanding funding obligations regarding rental/leasing agreements for dormitory space at this time.
- At the site visit, the Interim President confirmed that instruction was no longer taking place at the Manhattan branch campus. All Manhattan faculty were re-assigned to the Brooklyn (Main) campus and all resources and equipment were moved to the Main campus, resulting in storage boxes placed throughout the facility (e.g., Library). All students attending courses onsite at the Manhattan campus were notified to attend their courses at the Main campus or via distance education, resulting in students having to change travel and reporting plans during the Fall 2022 trimester. Shortly after the site visit, OCUE identified the Manhattan branch campus as closed in Department databases and discontinued all registered programs, effective on March 1, 2023.
- The Ophthalmic Dispensing (OD) program was registered to the Manhattan campus only. When the Manhattan campus closed, all students in the OD program were moved to the Brooklyn campus, which reportedly did not have the facilities to support the OD program.

Findings:

The College is not in compliance with Commissioner's Regulations 52.2(a)(2) and 52.2(a)(3).

Library/Information Resources

52.2(a)(4) The institution shall provide libraries that possess and maintain collections sufficient in depth and breadth to support the mission of the institution and each registered curriculum. Libraries shall be administered by professionally trained staff supported by sufficient personnel. Library services and resources shall be available for student and faculty use with sufficient regularity and at appropriate hours to support the mission of the institution and the curricula it offers.

Observations:

- Team members interviewed the librarian, who indicated that there is one additional employee who works part-time in the library, but who was not present during the team's visit.
- The library space was filled with full boxes of materials that came from the library of the closed Manhattan branch campus. With limited space available, it would be very crowded if even a dozen students came to use the library.
- It could not be determined if library resources were affected by the College's status, because when the librarian stated that when he receives a bill, or phone call about a bill, he forwards it to the administration and is not privy to the results.

- The librarian reported his current duties as mostly helping students find information about transfer opportunities to other colleges.
- In the Interim President's March 24, 2023, response to OCUE, a librarian was not listed as an "active employee" of the College.

Findings:

The College is not in compliance with Commissioner's Regulation 52.2(a)(4).

FACULTY

Competence And Credentials

52.2(b)(1) All members of the faculty shall have demonstrated by training, earned degrees, scholarship, experience, and by classroom performance or other evidence of teaching potential, their competence to offer the courses and discharge the other academic responsibilities which are assigned to them.

Observations:

- During the site visit, deans, department chairs, and program directors informed the team that some faculty who were teaching during the Fall 2022 trimester stopped attending their class(es) or had resigned from the College. Alternative faculty and program directors stepped up and were assigned to vacant instructor course sections. Overall, they reported that no real break in instruction occurred, due to the minimal loss of faculty.
- Deans and program directors informed the team that some English as a Second Language (ESL) faculty stopped teaching classes in the Fall 2022 trimester, and that no replacement faculty were identified.
- Deans and program directors informed the team that they knew about the status of the College. They attended Town Hall forums and other meetings, where information was presented by leadership. However, these individuals admitted that students were confused by the messages they were receiving from the administration.
- Months prior to the site visit, the College was provided information on the faculty that were employed at the beginning of the Fall 2022 trimester. At that time, OCUE judged the faculty to have the competence and the credentials to teach the courses to which they were assigned. During the site visit, the team heard reports that faculty had resigned or had disappeared during the trimester. The qualifications of replacement faculty were not shared with OCUE.
- In the Interim President's March 24, 2023, response to OCUE, no faculty members were listed as "active employees" of the College.

Findings:

The College had been in compliance with Commissioner's Regulation 52.2(b)(1) at the start of the Fall 2022 trimester, but continued compliance throughout the term could not be verified. The

College is not currently in compliance, as there are limited to no faculty members employed at this time.

Adequacy To Support Programs and Services

52.2(b)(2) To foster and maintain continuity and stability in academic programs and policies, there shall be in the institution a sufficient number of faculty members who serve full-time at the institution.

52.2(b)(3) For each curriculum the institution shall designate a body of faculty who, with the academic officers of the institution, shall be responsible for setting curricular objectives, for determining the means by which achievement of objectives is measured, for evaluating the achievement of curricular objectives, and for providing academic advice to students. The faculty shall be sufficient in number to assure breadth and depth of instruction and the proper discharge of all other faculty responsibilities. The ratio of faculty to students in each course shall be sufficient to assure effective instruction.

Observations:

- Months prior to the visit, the College was provided information on the faculty, who were employed at the beginning of the Fall 2022 trimester. At that time, OCUE judged there to be an adequate number of faculty to support the curriculum. During the site visit, the team heard reports that faculty had resigned or had disappeared during the trimester. The team was told that faculty would not remain after the close of the Fall 2022 trimester on February 24, 2023. In his March 24, 2023, response to OCUE, the Interim President did not list any faculty as “active employees” of the College.
- Deans and program directors reported that they helped students to transfer to other institutions. One director reported developing teach-out programs for their students independent of any assistance from college leadership.
- The Registrar’s Office staff informed the team that faculty would be given only three days to report all students’ final grade for every course offered in the Fall 2022 trimester.
- In the Interim President’s March 24, 2023, response to OCUE, the only academic leadership listed as “active employees” of the College were two academic deans and the Interim Provost .

Findings:

The College is not in compliance with Commissioner’s Regulations 52.2(b)(2) and 52.2(b)(3).

Evaluation, Professional Development, And Professional Involvement

52.2(b)(6) The teaching and research of each faculty member, in accordance with the faculty member's responsibilities, shall be evaluated periodically by the institution. The teaching of each inexperienced faculty member shall receive special supervision during the initial period of appointment.

52.2(b)(7) Each member of the faculty shall be allowed adequate time, in accordance with the faculty member's responsibilities, to broaden professional knowledge, prepare course materials, advise students, direct independent study and research, supervise teaching, participate in institutional governance and carry out other academic responsibilities appropriate to his or her position, in addition to performing assigned teaching and administrative duties.

Observations:

- During the discussion with the Interim Provost, who was also serving as Academic Dean, he stated that one of his roles was to manage faculty development across the institution. However, the team did not access data to be able to determine if faculty development was taking place.
- Survey results indicated that some faculty were teaching more than 25 credits by the end of the Fall 2022 trimester.

Findings:

The College is not in compliance with Commissioner's Regulations 52.2(b)(7).

CURRICULA AND AWARDS

College Level and Integrity of Credit

52.1(f) Each course offered for credit by an institution shall be part of a registered curriculum offered by that institution, as a general education course, a major requirement, or an elective.

52.2(c)(3) Credit toward an undergraduate degree shall be earned only for college level work. Credit toward a graduate degree shall be earned only through work designed expressly for graduate students. Enrollment of secondary school students in undergraduate courses, of undergraduates in graduate courses, and of graduate students in undergraduate courses shall be strictly controlled by the institution.

52.2(c)(5) The institution shall assure that credit is granted only to students who have achieved the stated objectives of each credit-bearing learning activity.

50.1(o) Semester hour means a credit, point, or other unit granted for the satisfactory completion of a course which requires at least 15 hours (of 50 minutes each) of instruction and at least 30 hours of supplementary assignments, except as otherwise provided pursuant to section 52.2(c)(4) of this Subchapter.

Observations:

- During the site visit, some students voiced that there were few or no other colleges in the NYC area with similar programs in which to transfer their credits. The students reported not being provided with viable teach-out plans to continue their academic studies. One example was an Ophthalmic Dispensing (OD) student, who was told to transfer to a local college, but discovered that the receiving institution would require the student take an additional year of courses to graduate, when the student had only two courses remaining at ASA College.
- During the site visit, financial aid staff noted that students told them that other colleges were not accepting all earned ASA College credits.

- Some students indicated that ASA College faculty and staff were helpful in giving them options for transferring their credits to similar certificate and degree programs at other colleges. In some cases, the students had already made the decision to transfer to another institution after the Fall 2022 trimester.
- Students expressed concerns with getting their final grades for the Fall 2022 trimester.
- Students confirmed the late start of the Fall 2022 trimester, as the term was delayed in starting by four days. In addition, there was confusion, as the website indicated that the Fall 2022 trimester was postponed, to start on November 21, 2022, but was later changed to start on October 24, 2022.
- Survey results indicate that class meetings were inconsistent during the Fall 2022 trimester. Some faculty held classes as scheduled, while other faculty held abbreviated classes or stopped holding classes at all after a certain point.

Findings:

The College is not in compliance with Commissioner's Regulations 50.1(o).

Coherence

52.1(b)(3) To be registered, each curriculum shall show evidence of careful planning. Institutional goals and objectives of each curriculum and of all courses shall be carefully defined in writing, and a reviewing system shall be devised to estimate the success of students and faculty in achieving such goals and objectives. The content and duration of curricula shall be designed to implement their purposes.

52.2(c)(1) In addition to the requirements of section 53.3 of this Subchapter, the objectives of each curriculum and its courses shall be well defined in writing. Course descriptions shall clearly state the subject matter and requirements of each course.

Observations:

- Prior to the site visit, a review was completed on the institution's written/published resources (e.g., catalogs, website, change applications, etc.) related to the curriculum (courses) of the institution.

Findings:

The College is in compliance with Commissioner's Regulations 52.1(b)(3) and 52.2(c)(1).

Length To Completion

52.2(c)(2) For each curriculum, the institution shall assure that courses will be offered with sufficient frequency to enable students to complete the program within the minimum time for completion, in accordance with paragraphs (6) - (10) of this subdivision.

Observations:

- ASA Student Survey results indicate that some courses were cancelled halfway through the Fall 2022 trimester. Some students reported that they had only one or two courses remaining to complete their degree program and were not given adequate time to explore available options during the Fall 2022 trimester. Many students expressed issues with not being able to transfer credits earned from ASA College to other colleges' programs; some colleges were not accepting ASA credits. Some students expressed to NYSED staff that there were no teach-out programs available for them to continue their degree/certificate program at other colleges (e.g., Medical Assisting, Pharmacy Tech, Ophthalmic Dispensing). Nursing students indicated that a local NYC college was not accepting ASA Colleges credits for transfer.

Findings:

The College is not in compliance with Commissioner's Regulation 52.2(c)(2).

ADMISSIONS

52.2(d)(1) *The admission of students shall be determined through an orderly process using published criteria which shall be uniformly applied. Among other considerations, the admissions process shall encourage the increased participation in collegiate programs at all levels of persons from groups historically underrepresented in such programs.*

52.2(d)(2) *Admissions shall take into account the capacity of the student to undertake a course of study and the capacity of the institution to provide the instructional and other support the student needs to complete the program.*

Observations:

- In October 2022, the Interim President sent a memo to all college employees explaining the state of the College. As a result of the memo, the Admissions Office reported that they stopped taking applications and returned tuition deposits. Also, during that time, it was reported that program advertising ceased.
- Admissions Office employees reported that they pivoted to running open-house programs and transfer fairs for current students. Some of these events were conducted via in-person forums, while others were conducted via virtual forums. The employees also assisted with helping to guide students to other colleges.
- Admissions personnel admitted that they will not stay at the College after the Fall 2022 trimester ends on February 24, 2023.
- In the Interim President's March 24, 2023, response to OCUE, the Director of Admissions was listed among the employees reported to be "active employees" of the College. No other admissions personnel were listed in the response. At the time of the site visit, the College website opened with a screen that states, "Currently, ASA College is not accepting new applications for enrollment!"

Findings:

- As there is no current admissions activity, the team was unable to determine the College's compliance with this regulation.

ADMINISTRATION

Responsibility

52.2(e)(1) Responsibility for the administration of institutional policies and programs shall be clearly established.

52.2(e)(2) Within the authority of its governing board, the institution shall provide that overall educational policy and its implementation are the responsibility of the institution's faculty and academic officers. Other appropriate segments of the institutional community may share in this responsibility in accordance with the norms developed by each institution.

Observations:

- Since 2018, the College has experienced a disruptive number of leadership changes. At that time, the Owner (who was also President) resigned as President of the College. Jose Valencia, who was Vice President for Finance was appointed by the Board of Trustees as Interim President. In August 2021, Interim President Valencia resigned, due to personal reasons. In September 2021, the Owner petitioned the Board of Trustees to be re-instated as President. On October 3, 2021, the Board of Trustees appointed two of the College's vice presidents to serve as Interim Co-Acting Presidents, while the search for a permanent president continued. On October 7, 2021, after the Board of Trustees rejected his petition to be reinstated as president, the Owner, using the authority outlined in the College's Certificate of Incorporation, replaced 5 of the 7 members on the Board. On October 11, 2021, the new Board of Trustees' members appointed the Owner as Interim President. The Owner/Interim President then proceeded to terminate the employments of the vice presidents, who were serving as Co-Acting Presidents, and appointed Jose Valencia as Executive Vice President of Finance & Operations. On November 30, 2021, OCUE was informed that four Board of Trustees' members were replaced. In December 2021, the Provost resigned. Later that month, the Owner resigned from his position as Interim President. The Board of Trustees then appointed Jose Valencia as Interim President and Edward Kufuor as Interim Provost.

- The Middle States Commission on Higher Education (MSCHE), the College's institutional accrediting agency, posted on their website (dated February 15, 2023) a statement regarding the announced closure of ASA College. In the statement, MSCHE stated ASA College "submitted documentation to MSCHE indicating that the last day of classes for ASA College students was February 24, 2023, that the school is closing, and that operations will cease as of March 1, 2023." Additionally, MSCHE posted that on January 31, 2023, the Commission actioned to "require the institution to submit the substantive change request for institutional closure by February 8, 2023." The substantive change report was not received, thus MSCHE withdrew the College's Appeal to the Loss of Accreditation, as it was considered moot, since the College was closing. The Interim President informed the site visit team that he believes MSCHE is not affording the College "due process," and that the College's lawyers are petitioning for a temporary restraining order. On March 13, 2023, the arbitration between ASA College and MSCHE was denied, citing "MSCHE did not violate either its own policies or due process."

- At the site visit, the Interim President stated that, because of a lack of personnel, he currently spends 60% or more of his time dealing with student issues, which hinders his ability to become more involved with the operational aspects of the College (e.g., developing a 2023 budget).
- Of the nine board members listed on the institution's website, only two members, which included the Chairperson, attended the interview session with members of the site visit team.
- The Chairperson of the Board of Trustees insisted that the board members were aware of all aspects of the College's status, having gone over it extensively in recent months.
- The Board of Trustees reported meeting regularly during this time, in accordance with their policies.
- Although the Chairperson of the Board of Trustees expressed his understanding that the College was close to closing its operations, the other board member voiced his opinion that he sees no need for the College to close. He did not appear to fully understand the significant impacts of MSCHE's loss of accreditation status and USDE's HCM2 status on the institution.
- NYSED was informed on March 21, 2023, that ASA College's Board of Trustees had been dissolved.
- The Interim Provost informed the team that he has been a long-time Business faculty member for the College, including serving as the Business Department Chairperson. Currently, he is performing two distinct roles, one as Interim Provost and the other as the Academic Dean for the College. His duties as Interim Provost primarily focus on functioning as the liaison between the Board of Trustees and the institution's leadership team. His duties as Academic Dean focus on managing professional development, ensuring that academic programs meet standards, and working with career services personnel. Although the Interim Provost holds a significant role in the College's administration, he was unaware that MSCHE dismissed the College's appeal to the loss of accreditation.

Findings:

The College is not in compliance with Commissioner's Regulations 52.2(e)(1) and 52.2(e)(2).

Policies

52.2(e)(3) The institution shall establish, publish and enforce explicit policies with respect to:

(i) academic freedom;

(ii) the rights and privileges of full-time and part-time faculty and other staff members, working conditions, opportunity for professional development, workload, appointment and reappointment, affirmative action, evaluation of teaching and research, termination of appointment, redress of grievances and faculty responsibility to the institution; and

(iii) requirements for admission of students to the institution and to specific curricula, requirements for residence, graduation, awarding of credit, degrees or other credentials, grading, standards of

progress, payment of fees of any nature, refunds, withdrawals, standards of conduct, disciplinary measures and redress of grievances.

52.2(e)(4) Academic policies applicable to each course, including learning objectives and methods of assessing student achievement, shall be made explicit by the instructor at the beginning of each term.

Observations:

- After the site visit, students reported to OCUE that the College was not following its established policies. For example, students who filed grade disputes have not received responses from the College to date.
- There were several requests to OCUE for tuition refunds. After OCUE attempts to communicate with College staff regarding these requests, it remains unclear if the College is following its established policies regarding tuition refunds.
- Some students were informed by the College that their official transcript would not be released until their balance was paid to the College. This misrepresentation of NYS law was verified by published information on the College's website. OCUE brought this issue to the attention of the Interim President, and it was corrected on one page of the website but remained on another page of the website.

Findings:

The College is not in compliance with Commissioner's Regulation 52.2(e)(3).

Student Advisement and Records

52.2(e)(5) The institution shall provide academic advice to students through faculty or appropriately qualified persons. The institution shall assure that students are informed at stated intervals of their progress and remaining obligations in the completion of the program.

52.2(e)(6) The institution shall maintain for each student a permanent, complete, accurate, and up-to-date transcript of student achievement at the institution. This document will be the official cumulative record of the student's cumulative achievement. Copies shall be made available at the student's request, in accordance with the institution's stated policies, or to agencies or individuals authorized by law to review such records.

Observations:

- During the site visit, the Student Advisement office reported that 7 staff members had resigned, leaving only 2 advisors to assist students. Survey results indicate that students had difficulty accessing services from Student Advisement during the Fall 2022 trimester.
- Registrar personnel informed the team that they would continue to work a week beyond the end of the Fall 2022 trimester to ensure that all course final grades were recorded. The Director of the Registrar's office noted that no "incomplete" grades would be recorded for the Fall 2022 trimester.
- On April 11, 2023, NYSED staff discovered that Parchment had posted a notice on its website stating that it is not currently taking requests for transcripts from ASA College

students. On April 13, 2023, OCUE notified the College that NYSED would take over the official transcript fulfillment process for the College, effective immediately, as the College did not appear to have the capacity or to continue to provide transcripts nor the funding to activate the existing contract with Parchment for this service.

Findings:

The College is not in compliance with Commissioner's Regulations 52.2(e)(5) and 52.2(e)(6).

OTHER REQUIREMENTS

52.2(f)(2) The institution shall assure that whenever and wherever the institution offers courses as part of a registered curriculum it shall provide adequate support services.

- The site visit team met with two advising staff members, as the remaining seven student advisors in the Advising Office had previously resigned from the College. One of these two advisors (who primarily serves Spanish-speaking students) had already accepted a job offer outside of the College and would be departing at the end of the Fall 2022 trimester.
- The Interim Provost informed members of the team that the Department Chairs perform student advising for academic-related activities, while Student Success personnel (advisors) help with tutoring management and retention efforts, working closely with faculty and the Student & Exchange Visitor Information System (SEVIS) Officer (for international students)
- Students indicated that no one answers the phone when they called the Advisement Office during the Fall 2022 trimester.
- Some international students reported that they experienced difficulties with getting College approvals to transfer their F-1 visa status to other colleges to continue their studies.
- Financial Aid and Registrar offices' staff indicated that although they had not been paid, they would work until the end of the Fall 2022 trimester to serve students.
- In his recent communication to OCUE, the Interim President listed the following service personnel as "active employees" of the College: VP of Financial Aid, VP of Career Services & Externships, Director of Student Accounts, and Coordinator of Campus Management College Administration Systems & Student Helpdesk. However, recent reports to the College indicate that no one is working at the College in these areas.

Findings:

The College is not in compliance with Commissioner's Regulation 52.2(f)(2).

**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK**

Commissioner of Education
President of the University of the State of New York
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December 13, 2023

Via email and certified mail

Mr. Alex Shchegol, Owner
Mr. Frank Seddio, Chairman of the Board of Trustees
ASA College, Inc.
383 Pearl Street
Brooklyn, NY 11201

Dear Mr. Shchegol and Mr. Seddio:

On June 2, 2023, the New York State Education Department (NYSED or the Department) denied the re-registration of academic programs listed on ASA College's Inventory of Registered Programs (IRP) after reviewing the College's degree-conferring authority, pursuant to Section 3.58(f) of the Rules of the Board of Regents. The Department determined that ASA College substantively violated sections of Part 52 of the Regulations of the Commissioner related to the registration of curricula. Operational information provided by the institution and evidence collected and/or confirmed during and after the Department's February 16, 2023, campus site visit was considered in making this decision. Below is a summary of NYSED's findings:

1. ASA College does not have sufficient resources to operate in compliance with Part 52.2(a), as evidenced by failure to meet a range of financial obligations, including fully meeting payroll over the past six months.
2. ASA College does not currently have adequate faculty to operate in compliance with Part 52.2(b), as evidenced by reports of faculty leaving partway through the Fall 2022 trimester, other faculty members compensating for these departures by teaching twenty-five or more credits by the end of the Fall 2022 trimester, as well as the current absence of any faculty employed by the institution.
3. ASA College does not have adequate administration to operate in compliance with Part 52.2(e), as evidenced by the history of disruptive leadership changes, lack of sufficient personnel to carry out basic operational functions (such as creating a budget) and academic support functions (such as advisement), the dissolution of the Board of Trustees, and the inability to provide ongoing access to academic records (transcripts).

On June 29, 2023, Mr. Shchegol notified the Department of the intent to appeal the denial, pursuant to Section 52.23. The appeal was due September 26, 2023, but Mr. Shchegol was granted an extension until October 26, 2023.

On October 26, 2023, Mr. Shchegol submitted an "appeal," which consisted of a lengthy email and several attachments. No new, substantive information, that had not already been considered by the Department, was provided. Mr. Shchegol presented the aspirational goal of resuming instruction in 2024 as dependent on the receipt of USDE financial aid reimbursement. Evidence supporting the College's claims that regulatory requirements would be met once reimbursements were received was not submitted. Moreover, the appeal did not include evidence to support re-opening the College should reimbursements not be granted.

Below is the Department's summary of findings and conclusions after review of the appeal:

Appeal of NYSED Finding #1: The appeal does not provide evidence that there are sufficient financial resources to operate a college. It acknowledges that college employees have not been paid since December 2022, that outstanding financial aid reimbursements have not been received, and the Employee Retention Credit (ERC) funds have not been received. The appeal plainly states that only when reimbursements and ERC funds are received will former employees and vendors be paid and debts rectified.

Conclusion: ASA College does not have sufficient resources to operate in compliance with Part 52.2(a).

Appeal of NYSED Finding #2: The appeal acknowledges that there are no faculty in place currently. The appeal states that a "significant number of faculty and administration agreed to return to their teaching roles and administration duties as soon as classes resumed and (the) college will cover all previous payrolls." No documentation or evidence to support this claim was provided.

Conclusion: ASA College does not have adequate faculty to operate in compliance with Part 52.2(b).

Appeal of NYSED Finding #3: The appeal states that administrative services (e.g., registrar, financial aid) are not needed at this time because the College is not offering classes. The appeal references the College's ongoing arbitration with Middle States Commission on Higher Education (MSCHE), the College's institutional accrediting agency, and states that the College, "anticipates a favorable ruling during the arbitration process" as well as "the return of personnel in Spring 2024." However, the appeal did not produce any documentation or evidence that a favorable ruling in the arbitration process would automatically provide the requested financial aid reimbursement and ERC funding. Furthermore, the appeal did not supply any documentation or evidence that if the arbitration process resulted in an unfavorable decision that the College would be able to support administrative services.

Conclusion: ASA College does not have an adequate administration to operate in compliance with Part 52.2(e).

The Department has determined that ASA College is in violation of substantive requirements of Part 52 of this Title and therefore lacks the ability to offer quality programs. Because no instruction is currently taking place, the registration of ASA College's programs will be terminated by December 22, 2023.

In accordance with 52.23(c), ASA College must immediately:

- (1) Cease recruitment for and enrollment of new students in each curriculum for which registration is expiring;
- (2) Cease operation of each curriculum for which re-registration is denied by the effective date of such denial; and
- (3) Cooperate with the Department to ensure that students already enrolled in curricula for which re-registration is denied, find avenues to complete their studies with minimum disruption.

Deputy Commissioner William Murphy will contact Mr. Shchegol regarding ASA College's authority to confer degrees. Please provide reliable contact information and be responsive to all future communications with the Department.

Sincerely,



Betty A. Rosa
Commissioner

CC: William P. Murphy, Deputy Commissioner of Higher Education, NYSED
Emily J. Sutherland, Director, Office of College and University Evaluation, NYSED
James A. Slavin, Associate in Higher Education, OCUE, NYSED
Mei Zhou, Director, Professional Education, Office of the Professions, NYSED
Idna M. Corbett, Sr. Vice President for Accreditation Relations, MSCHE
Vanessa Dillard, Division Chief, New York/Boston School Participation Division,
Partner Participation and Oversight, USDE, Federal Student Aid



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

Deputy Commissioner
Office of Higher Education
Room 975, Education Building Annex
Albany, New York 12234

hedepcom@nysed.gov
(518) 486-3633

March 13, 2024

Via Email & Certified Mail
Alex Shchegol, Owner
ASA College, Inc.
383 Pearl Street
Brooklyn, NY 11201
ashchegol85@gmail.com

Frank Seddio, Chairman
ASA College, Inc.
C/O Seddio & Associates, P.C.
9306 Flatlands Avenue
Brooklyn, NY 11236
seddiolaw@gmail.com

Dear Mr. Shchegol and Mr. Seddio:

In her December 13, 2023, letter to you, Commissioner Rosa informed you that your appeal of the Department's June 2, 2023 decision to deny re-registration of the programs registered to ASA College was denied. Copies of those determinations are attached again for your reference. All programs on the College's Inventory of Registered Programs (IRP) have been discontinued as of December 22, 2023, as evidenced in the attached report.

I write to inform you that, in accordance with [Section 3.58 of the Rules of the Board of Regents](#) (Proprietary college degree-conferring authority), I have reviewed the record relating to the denial of re-registration of the College's programs, including information submitted by the College and obtained during the Department's site visit to the College on February 16, 2023, and other information obtained during the Department's review of the College for continuing degree-conferring authority. Based upon this review, I have determined that the College violated substantive requirements of [Part 52 of the Regulations of the Commissioner](#), which demonstrates that the College does not have the ability to offer quality programs leading to the degrees covered by the revocation. Therefore, for sufficient cause, I recommend pursuant to 8 NYCRR 3.58(f)(2)(ii) that the Board of Regents revoke in whole ASA College's authority to confer degrees.

The factual basis for this recommendation is as follows:

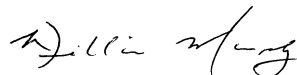
- The College does not have sufficient resources to operate in compliance with Part 52.2(a) Resources, as described in Ms. Sutherland's June 2, 2023 letter and Commissioner Rosa's December 13, 2023 letter.

- The College does not have adequate faculty to operate in compliance with Part 52.2(b) Faculty, as described in Ms. Sutherland's June 2, 2023 letter and Commissioner Rosa's December 13, 2023 letter.
- The College does not have adequate administration to operate in compliance with Part 52.2(e) Administration, as described in Ms. Sutherland's June 2, 2023 letter and Commissioner Rosa's December 13, 2023 letter.

Pursuant to §3.58(f) (copy enclosed), within 30 days of receipt of this letter, the College may request that I reconsider the recommendation. If the College does not request reconsideration during this time frame, my recommendation shall be considered final and will be transmitted to the Board of Regents.

If the College requests reconsideration within the stated timeframe, I will review additional written information submitted by the College and make a final recommendation after I conclude my review.

Sincerely,



William P. Murphy, Ph.D.
Deputy Commissioner

Attachments

Cc: Emily J. Sutherland, Director, Office of College and University Evaluation (OCUE), NYSED
James A. Slavin, Associate in Higher Education, OCUE, NYSED
Mei Zhou, Director, Professional Education, Office of the Professions, NYSED
Heather Perfetti, President, Middle States Commission on Higher Education
Vanessa Dillard, Division Chief, New York/Boston School Participation Division, Partner Participation and Oversight, USDE, Federal Student Aid