STATE OF NEW YORK

3308--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. EPSTEIN, GALLAGHER, STECK, JACKSON -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring degree-granting institutions of higher education to make certain annual disclosures

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 239-c to read as follows:

§ 239-c. Annual disclosures. 1. All degree-granting institutions of higher education offering registered undergraduate programs shall make and publish an annual report disclosing the following, based on the most recent data or calculations available, and based on audited or agency-reviewed data whenever available:

(a) whether such institution is a degree-granting proprietary institution of higher education, a non-profit institution of higher education or a public institution of higher education;

(b) except for public institutions of higher education, the ownership or ownership interest and control of such institution;

(c) whether the institution has the authority to confer two-year degrees, four-year degrees or both;

(d) a schedule of all tuition, mandatory fees and other mandatory costs to attend such institution, per semester or, when applicable, per quarter;

(e) in the case of any degree-granting proprietary institution of higher education, the gross profit of such institution as stated in the institution's most recent audited financial statement shall be reported as a dollar amount;

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(f) the amount of any dividends paid or distributions of any part of such institution's income or profits;

(g) the amount of spending on instruction, post-enrollment academic support, and post-enrollment student services determined in a manner consistent with the spending categories used by the federal Integrated Postsecondary Education Data System except the amounts (i) may include expenses for course design and instructor support related to distance learning, and (ii) shall exclude expenses for advertising, recruiting, admissions, and other activities related to students not yet enrolled in an institution. In the case of publicly funded institutions, reporting of such expenses is required when those expenses exceed two percent of the operating funds derived from state sources;

(h) executive compensation of such institution, including, in the case of proprietary institutions, dividends, distributions, and increases in the value of ownership interests, expressed both as a dollar amount and as a percentage of the overall budget of such institution;

(i) marketing and recruitment expenditures as stated in the institution's most recently audited financial statement shall be expressed both as a dollar amount and as a percentage of the overall budget of such institution. In the case of publicly funded institutions, reporting of such expenses is required when those expenses exceed two percent of the operating funds derived from state sources; and

(j) when such information is publicly available or accessible to the institution:

(i) median earnings one year after graduating from such institution separated by program;

(ii) the percentage of students who take out federal loans to attend such institution;

(iii) the average dollar amount of federal loans taken out by students to attend such institution;

(iv) the average dollar amount of private loans taken out by students to attend such institution;

(v) the amount in dollars that such institution receives from the New York state tuition assistance program;

(vi) the percentage of students who took out a federal loan to attend such institution who have repaid at least one dollar of the principal of such loan within five years of leaving such institution; and

(vii) the default rate after three, five, and ten years of students who took out a federal loan (or private loan, if such information is accessible to the institution) to attend such institution.

2. (a) Biennially on or before the first day of July, each institution of higher education shall conspicuously publish the report prepared pursuant to subdivision one of this section on the website of such institution and submit the website address of such report to the department.

(b) The commissioner shall publish and maintain a list of all website addresses received pursuant to paragraph (a) of this subdivision on the website of the department.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. 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 to be made and completed on or before such effective date.