STATE OF NEW YORK

10298

IN ASSEMBLY

April 15, 2020

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Higher Education

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. Section 305 of the education law is amended by adding a new subdivision 59 to read as follows:

59. a. The commissioner shall promulgate rules and regulations requiring all degree-granting institutions of higher education offering registered undergraduate programs to 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:

(i) 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;

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

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

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

(v) 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;

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

(vii) 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

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

LBD14016-04-0

Postsecondary Education Data System except the amounts (A) may include expenses for course design and instructor support related to distance learning, and (B) shall exclude expenses for advertising, recruiting, admissions, and other activities related to students not yet enrolled in an institution;

(viii) 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;

(ix) 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; and

(x) when such information is publicly available or known (or should be known) to the institution:

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

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

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

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

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

(F) 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

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

b. (i) Annually on or before July first, each institution of higher education shall conspicuously publish the report prepared pursuant to paragraph a of this subdivision on the website of such institution and submit the URL of such report to the department.

(ii) The commissioner shall publish and maintain a list of all URLs received pursuant to subparagraph (i) of this paragraph 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.