

# 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:

1 Section 1. Section 305 of the education law is amended by adding a new  
2 subdivision 59 to read as follows:

3 59. a. The commissioner shall promulgate rules and regulations requir-  
4 ing all degree-granting institutions of higher education offering regis-  
5 tered undergraduate programs to make and publish an annual report  
6 disclosing the following, based on the most recent data or calculations  
7 available, and based on audited or agency-reviewed data whenever avail-  
8 able:

9 (i) whether such institution is a degree-granting proprietary institu-  
10 tion of higher education, a non-profit institution of higher education  
11 or a public institution of higher education;

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

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

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

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

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

25 (vii) the amount of spending on instruction, post-enrollment academic  
26 support, and post-enrollment student services determined in a manner  
27 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

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

6 (viii) executive compensation of such institution, including, in the  
7 case of proprietary institutions, dividends, distributions, and  
8 increases in the value of ownership interests, expressed both as a  
9 dollar amount and as a percentage of the overall budget of such institu-  
10 tion;

11 (ix) marketing and recruitment expenditures as stated in the insti-  
12 tution's most recently audited financial statement shall be expressed  
13 both as a dollar amount and as a percentage of the overall budget of  
14 such institution; and

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

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

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

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

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

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

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

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

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

37 (ii) The commissioner shall publish and maintain a list of all URLs  
38 received pursuant to subparagraph (i) of this paragraph on the website  
39 of the department.

40 § 2. This act shall take effect on the first of January next succeed-  
41 ing the date on which it shall have become a law. Effective immediately,  
42 the addition, amendment and/or repeal of any rule or regulation neces-  
43 sary for the implementation of this act on its effective date are  
44 authorized to be made and completed on or before such effective date.