

STATE OF NEW YORK

3308--B

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. EPSTEIN, GALLAGHER, STECK, JACKSON, FORREST, BURDICK, CLARK, MAGNARELLI, GOTTFRIED -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- 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 biennial disclosures

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

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

3 § 239-d. Biennial disclosures. 1. All degree-granting institutions of
4 higher education offering registered undergraduate programs shall make
5 and publish a biennial report disclosing the following, based on the
6 most recent data or calculations available, and based on audited or
7 agency-reviewed data whenever available:

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

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

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

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

18 (e) in the case of any degree-granting proprietary institution of
19 higher education, the gross profit of such institution as stated in the

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

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1 institution's most recent audited financial statement shall be reported
2 as a dollar amount;

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

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

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

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

25 (j) when such information is publicly available or accessible to the
26 institution;

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

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

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

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

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

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

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

43 2. (a) Biennially on or before the first day of July, each institution
44 of higher education shall conspicuously publish the report prepared
45 pursuant to subdivision one of this section on the website of such
46 institution and submit the website address of such report to the depart-
47 ment.

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

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