

# STATE OF NEW YORK

143

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law and the executive law, in relation to directing the commissioner of education to develop certain information regarding for-profit institutions of higher education for the benefit of veterans

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 is authorized and directed to establish and  
4 maintain a database of the following information relating to veterans,  
5 for every for-profit institution of higher education:

6 (i) total for-profit institution of higher education program cost;

7 (ii) veteran graduation rate;

8 (iii) veteran graduate placement rate;

9 (iv) total placement rate for veterans who receive a degree;

10 (v) community service programs provided to students to do volunteer  
11 work for either a corporation, association, organization or trust  
12 described in section 501 (c) (3) of the United States internal revenue  
13 code or a government agency;

14 (vi) support services available to veterans including career and guid-  
15 ance counseling and mental health services;

16 (vii) median time in which a veteran student completes a for-profit  
17 institution of higher education program;

18 (viii) median cumulative student debt amount for veteran students;

19 (ix) average amount borrowed by veteran students from all sources;

20 (x) cohort default rate;

21 (xi) post school earnings for veterans; and

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

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1 (xii) outstanding student debt of for-profit institution of higher  
2 education veteran graduates ten years out.

3 b. (i) Annually on or before July first, each for-profit institution  
4 of higher education shall report to the department all information  
5 regarding subparagraphs (i) through (vi) of paragraph a of this subdivi-  
6 sion necessary for the commissioner to establish and maintain the data-  
7 base pursuant to paragraph a of this subdivision. The commissioner shall  
8 promulgate rules and regulations regarding the form and content of such  
9 report.

10 (ii) The commissioner shall utilize all information reported by a  
11 for-profit institution of higher education and information publicly  
12 available from the federal government and any other source as deemed  
13 necessary by such commissioner to carry out the provisions of this  
14 subdivision.

15 c. (i) The commissioner shall devise a method for assigning and  
16 publishing a letter grade to every for-profit institution of higher  
17 education based upon the information contained in the database estab-  
18 lished pursuant to this subdivision. Such grade shall be updated annu-  
19 ally.

20 (ii) Each for-profit institution of higher education shall prominently  
21 display on its website the letter grade most recently assigned to such  
22 institution pursuant to subparagraph (i) of this paragraph.

23 d. The commissioner shall transmit all the information developed  
24 pursuant to this subdivision to the state director of the division of  
25 veterans' services.

26 e. As used in this subdivision, the following terms shall have the  
27 following meanings:

28 (i) "For-profit institution of higher education" means a school that:  
29 (1) provides a program leading to an associates or baccalaureate  
30 degree;

31 (2) is legally authorized in New York state to provide a program of  
32 education beyond secondary education; and

33 (3) is neither a public or non-profit institution.

34 (ii) "Graduation rate of veterans" means the number of veteran  
35 students at a for-profit institution of higher education who received  
36 certificates, diplomas, or degrees in the program during the latest two  
37 calendar years, divided by the number of veteran students who enrolled  
38 in the program during the latest two calendar years. The graduation rate  
39 of veterans shall be determined within one hundred eighty days from the  
40 end of each calendar year and shall be calculated separately for  
41 students admitted as freshmen and students who transfer in.

42 (iii) "Graduate placement rate of veterans" means the number of veter-  
43 an students obtaining full-time (at least thirty-two hours per week),  
44 non-temporary employment in the field of study during the latest two  
45 calendar years for which the for-profit institution of higher education  
46 has obtained verification, divided by the number of all veteran students  
47 graduating from the program during the latest two calendar years. The  
48 graduate placement rate shall be determined within one hundred eighty  
49 days from the end of each calendar year and shall be calculated sepa-  
50 ately for veteran students admitted as freshmen and students who trans-  
51 fer in.

52 (iv) "Total placement rate of veterans" means the product of the grad-  
53 uate placement rate of veterans and the graduation rate of veterans.  
54 The total placement rate shall be determined within one hundred eighty  
55 days from the end of each calendar year.

1 (v) "Median cumulative debt amount" means the median amount of cumula-  
2 tive debt, including private, institutional, and federal, incurred by a  
3 veteran student who attended a for-profit institution of higher educa-  
4 tion whether or not they completed a program at such institution.

5 (vi) "Average amount borrowed" means the average amount of private,  
6 institutional, and federal, loans a veteran student who attended a for-  
7 profit institution of higher education borrows to enroll in a program at  
8 such institution.

9 (vii) "Post school earnings" means the sum of any wages, deferred  
10 compensation and self-employment earnings.

11 (viii) "Cohort default rate" means the percentage of a for-profit  
12 institution of higher education's veteran borrowers who enter repayment  
13 on any private, institutional and federal loans during the fiscal year  
14 and default within the cohort default period. Cohort default rate shall  
15 be calculated for the periods of three years, five years and ten years.

16 (ix) "Veteran" shall mean a person who served in and who has received  
17 an honorable or general discharge from, the United States army, navy,  
18 air force, marines, coast guard, and/or reserves thereof, and/or the  
19 army national guard, air national guard, New York guard and/or New York  
20 naval militia.

21 § 2. Section 353 of the executive law is amended by adding a new  
22 subdivision 14-b to read as follows:

23 14-b. To make available to veterans seeking post secondary education,  
24 the information developed by the commissioner of education pursuant to  
25 subdivision fifty-nine of section three hundred five of the education  
26 law. The division shall post such information on its website and shall  
27 provide assistance to veterans in evaluating educational opportunities  
28 at for-profit institutions of higher education based upon the informa-  
29 tion and grading system developed by the commissioner of education.

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