

STATE OF NEW YORK

299

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, 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;

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

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

3 (vii) the amount of spending on instruction, post-enrollment academic
4 support, and post-enrollment student services determined in a manner
5 consistent with the spending categories used by the federal Integrated
6 Postsecondary Education Data System except the amounts (A) may include
7 expenses for course design and instructor support related to distance
8 learning, and (B) shall exclude expenses for advertising, recruiting,
9 admissions, and other activities related to students not yet enrolled in
10 an institution;

11 (viii) executive compensation of such institution, including, in the
12 case of proprietary institutions, dividends, distributions, and
13 increases in the value of ownership interests, expressed both as a
14 dollar amount and as a percentage of the overall budget of such institu-
15 tion;

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

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

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

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

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

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

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

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

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

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

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

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