STATE OF NEW YORK

8118

IN SENATE

January 8, 2024

Introduced by Sen. GOUNARDES -- 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 early decision admissions data for higher education institutions

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

Section 1. Title 7 of the education law is amended by adding a new article 129-C to read as follows:

ARTICLE 129-C

EARLY DECISION ADMISSIONS DATA FOR HIGHER EDUCATION INSTITUTIONS

Section 6450. Early decision admissions data for higher education institutions.

§ 6450. Early decision admissions data for higher education institutions. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Acceptance rate" shall mean the percentage of applicants a higher education institution accepts, computed by dividing the accepted number of applicants by the total number of applicants and multiplying such quotient by one hundred.

(b) "Academic year" shall be as defined in subdivision five of section six hundred fifty-one of this chapter.

(c) "Drop-down menu" shall refer to a graphical control element that allows a user of a website to choose one value from a list.

(d) "Early action" shall mean an admissions plan that allows a student to apply at an earlier stage of the admissions process and receive an expedited admissions decision but does not require such student to commit to attend such institution upon receiving a decision of admittance.

(e) "Early decision" shall mean an admissions plan that allows a student to apply at an earlier stage of the admission process and receive an expedited admissions decision that requires such student to commit to attend a higher education institution should such student be

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

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admitted and to withdraw all other applications to other higher education institutions. Early decision shall not include early action.

(f) "Estimated cost of attendance" shall mean the total amount, not including grants and scholarships, that it costs to attend a higher education institution, which may include, among other expenses, tuition and fees, housing and meals, allowances for books, supplies, and transportation, and dependent care.

(g) "Federal Pell grant" shall refer to the grants disbursed to students pursuant to 20 U.S.C. § 1070.

(h) "Full financial need" shall mean that the aid a student receives from the higher education institution fully covers the estimated cost of attendance.

(i) "General admission" shall mean an admissions plan for which students do not apply at an earlier stage of the admissions process and receive an expedited admissions decision. General admission shall not include early action.

(j) "Higher education institution" shall mean any four-year institution given the power to confer undergraduate degrees in this state by the board of regents as provided in section two hundred eighteen of this chapter but shall not include institutions offering career education, as defined in subdivision twenty-four of section two of this chapter, professional and/or technical schools, or educational work connected with libraries, museums, university and educational extension courses and similar agencies.

(k) "Income" shall refer to the adjusted gross income used to determine the amount of federal Pell grant paid by the secretary of education under 20 U.S.C. § 1070a or otherwise reported to the higher education institution.

(l) "Independent" shall refer to a high school that does not receive public funding and is governed by a board of governors or trustees.

(m) "Private" shall refer to a high school that does not receive public funding.

(n) "Type of admission plan" shall refer to early decision, early action, and general admission.

2. Requirement for data reporting. All higher education institutions in this state who employ early decision admissions shall report to the commissioner, on or before the first of July of each year, the following data:

(a) the deadlines by which prospective students must apply for early decision, early action, and/or general admission at the institution;

(b) the timelines when early decision, early action, and/or general admission prospective students can generally expect to receive an admissions decision from the institution;

(c) the overall acceptance rate for first-year students in the prior academic year, including total number of applications received;

(d) the acceptance rate for early decision, early action, and general admissions for first-year students in the prior academic year, including total number of applications received for each type of admissions plan and disaggregated by type of admission plan such students were accepted under;

(e) the number and percentage of first-year students admitted early decision, early action, and general admissions in the prior academic year, disaggregated by type of admission plan such students were accepted under;

(f) the racial and/or ethnic identity of all prospective students who applied for the first-year class of the prior academic year, as reported by such students;

(g) the racial and/or ethnic identity of all first-year students of the prior academic year, as reported by such students, who were accepted under an early decision, early action, or general admissions plan, by number and percentage, and disaggregated by type of admissions plan such students were accepted under;

(h) how many first-year students, by number and percentage, of the prior academic year received federal Pell grants, disaggregated by type of admission plan such students were accepted under;

(i) the amount of financial aid disbursed for the first-year students of the prior academic year, disaggregated by type of admission plan such students were accepted under;

(j) average financial aid disbursed for the first-year students of the prior academic year, disaggregated by type of admission plan such students were accepted under;

(k) whether full financial need was met for first-year students of the prior academic year admitted early decision;

(l) the median and average income of first-year students of the prior academic year, disaggregated by type of admission plan such students were accepted under;

(m) how many first-year students, by number and percentage, of the prior academic year attended a public, charter, private, or independent high school, or were homeschooled, disaggregated by type of admission plan such students were accepted under;

(n) how many first-year students, by number and percentage, of the prior academic year attended high school in this state, another state, district, or territory of the United States, or another nation, disaggregated by type of admission plan such students were accepted under; and

(o) a detailed description of a prospective student's commitment to the institution upon applying early decision, including potential consequences, if any, if such student rescinds upon a commitment to attend such institution after receiving a decision of admittance.

3. Requirement for data publishing. (a) The commissioner shall, on or before the first of September of each year, publish the data required under subdivision two of this section in a clear and prominent location on the department's website.

(b) The commissioner shall ensure that a user of such website is easily able to access the college admissions data described in subdivision two of this section for each higher education institution which reports such data via a drop-down menu on such website.

4. Penalties. (a) Any higher education institution deemed by the commissioner to willfully violate the provisions of this section shall be subject to a civil penalty equivalent to ten percent of state aid, as provided in section six thousand two hundred twenty-one of this title for senior colleges of the city university of New York, article eight of this title for the state university of New York, and section six thousand four hundred one of this title for certain independent institutions of higher education, received in the prior fiscal year.

(b) The commissioner shall maintain the discretion to provide an opportunity for a higher education institution to cure a violation of this section before levying the fines described in paragraph (a) of this subdivision.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to academic years commencing on and after such date. 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.