

**Senate Higher Education Committee Hearing on For-Profit Colleges and Schools
Order of Testimony
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Hearing Room A, Legislative Office Building**

New York State Education Department

Commissioner Mary Ellen Elia
New York State Education Department

Deputy Commissioner John D'Agati
New York State Education Department, Office of Higher Education

Deputy Commissioner Kevin Smith
New York State Education Department Adult Career and Continuing Education Services

DEGREE GRANTING

Marc Jerome, President
Monroe College

Christopher Barto, VP of Government Relations and Community Affairs
LIM College

Francis Felser, President
Bryant & Stratton College

Michael Hatten, Chairman & CEO
New York Automotive & Diesel Institute

CONSUMER ORGANIZATIONS

Kirsten Keefe, Senior Staff Attorney
Empire Justice Center

Ramond Curtis
Veteran Education Success

Gary M. Schacher, Commander and James Casey, Department Adjutant
The American Legion

Kyle Boxhorn, Paralegal
Western New York Law Center

**Johnson Tyler, Senior Attorney-Consumer and Foreclosure Units
Brooklyn Legal Services**

CAREER SCHOOLS

**Terence Zaleski, Executive Director & Counsel
Coalition of New York State Career Schools**

**Joseph Monaco
Culinary Tech Center**

**Frank Talty, Director
Refrigeration Institute**

**Beshoy Boshra, General Manager
Austin Medical Assistant Training**

**Anthony Civitano, Executive Director
New York State Beauty School Association**



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Commissioner of Education
President of the University of the State of New York
89 Washington Avenue, Room 111
Albany, New York 12234

E-mail: commissioner@nysed.gov
Twitter: @NYSEDNews
Tel: (518) 474-5844
Fax: (518) 473-4909

**Statement of Commissioner MaryEllen Elia,
New York State Education Department**

Good morning Chair Stavisky and members of the Senate Higher Education Committee here today. My name is MaryEllen Elia and I am the Commissioner of Education. I am joined here by John D'Agati, Deputy Commissioner for the Office of Higher Education and Kevin Smith, Deputy Commissioner for the Office of Adult Career and Continuing Education Services. You have my written testimony before you.

I would like to start by providing you with a general overview of our current system of oversight over for-profit colleges and non-degree granting private career schools and certified English as a Second Language (or ESL) schools in New York State. Oversight of these schools are primarily divided between two offices in the Department. Our Office of Higher Education, specifically the Office of College and University Evaluation (or OCUE), oversees all degree granting colleges, including our for-profit colleges and our Bureau of Proprietary School Supervision (or BPSS) oversees all non-degree granting private career schools and certified English as a Second Language (or ESL) schools.

OCUE Degree Granting Institutions

All degree granting institutions in New York State must meet certain program registration standards for each degree program it offers, which include standards relating to resources, faculty and curriculum. For-profit degree granting colleges in New York are evaluated against the same standards as our not-for-profit public or independent colleges. This is not true across the country.

New York State currently has 25 for-profit degree granting institutions – with an overall enrollment of approximately 33,000 students – which is about 3 percent of the total enrollment in all colleges in New York State. The Board of Regents and the Department exercise oversight over for-profit degree conferring institutions in several ways. First, we review and evaluate applications for new degree authority, which must be approved by the Board of Regents. Then, we continue to oversee these institutions to ensure that they maintain the capacity to have degree conferring authority. In addition, we review applications for new registered programs and may conduct site visits and require reports and information from the college, to determine if the institution continues to have the ability to offer quality programs and we have the authority to deregister programs if they fail to meet such standards. We investigate student complaints. Finally, we have the authority to revoke or limit degree conferring authority when there is sufficient cause; including establishing enrollment caps.

OCUE Institutional Review & Oversight Process

In 2017, the Board of Regents enacted a new and more rigorous process for establishing new for-profit, degree-granting colleges in New York State. It is a multi-phased process that first requires a written application with information on a variety of issues. These include: the need for each degree program it seeks to offer in New York; institutional capacity; performance outcomes and evidence that the individuals having ownership or control have a record free from fraudulent and deceptive practices. If the written application is determined to meet these requirements, it moves to the second phase, wherein the Department reviews additional information about the applicant; the financial capacity of the institution; consumer protections; and the academic quality of the programs to be offered. This phase can also include an in-person capacity interview, a site visit, and any additional reports or information the Department may request.

The Department then makes a recommendation to the Regents regarding whether or not to grant provisional degree-authority, which can be for a period of up to five years. During the provisional authorization period the institution must submit information and reports as required by Department. Prior to the end of the provisional authorization period, the Board of Regents may either grant permanent degree authorization, extend provisional authorization or deny permanent authorization and direct the closure of the institution.

OCUE Approval of Degree Granting Programs

Each academic program offered by any college – including for-profit colleges – must be approved and registered by the Department before the college can advertise, recruit or enroll students. As I mentioned earlier, the standards by which the Department registers college programs are in regulation and apply to all NYS colleges, regardless of the sector – SUNY, CUNY, independent, and for-profit. The registration standards require, among other things, a demonstration of: qualified and competent faculty; sufficient resources (facilities, equipment, etc.) to support the program; clearly defined course and program objectives; credit must be granted in compliance with regulatory requirements; students' capacity to undertake the program; and the institution's capacity to provide instruction and other student supports.

The Department will deny registration to any program that does not meet registration standards. The Department also has the ability to de-register programs that do not continuously meet program registration standards.

OCUE Student Complaint Resolution Process

OCUE has a complaint resolution process for all students attending degree-granting institutions, including for-profit colleges. After attempting to resolve their complaint through the institution's grievance and appeal process, which every institution is required to publish and enforce, students can submit complaints related to their educational programs to the Department. The Department reviews the complaint and contacts the institution to request additional information, copies of applicable policies and requests an institution response to the complaint.

Complaints that fall under the jurisdiction of another federal or State department or agency are directed to those offices, for instance: complaints related to student financial aid are directed to the NYS Higher Education Services Corporation (HESC) and to the US Department of Education, as those agencies, not SED, administer the student financial aid programs; and complaints alleging consumer fraud are directed to the NYS Attorney General's office.

State Authorization Reciprocity Agreement (or SARA)

I want to take some time to talk about a separate, but related topic, the State Authorization Reciprocity Agreement, commonly referred to as SARA. This is a multi-state reciprocity agreement for distance education offered by colleges to residents in other states. It establishes a set of standards that each participating state applies when approving its own colleges to participate in the agreement. Those institutions that meet the standards and are approved by their home state, are permitted to enroll residents of other SARA states in distance education programs without the need for each state to approve each institution individually.

Before 2016, when the Legislature passed, and the Governor signed the legislation that permitted New York State to join SARA, any out-of-state institution could enroll New York State residents in any on-line program. We had no information about where New York State residents were enrolled. SARA provided, for the first time, a structure for the oversight of out-of-state distance education in New York State. As a result of SARA, we now have a mechanism, the authority, and the capacity to assist New York State residents with complaints about their out-of-state distance education programs- something we did not have before SARA.

SARA also provides a structure and process for the removal of institutions from the SARA agreement. It also gives the Department, for the first time, data about the number of New York State residents who are enrolled in out-of-state distance education and where those students are enrolled. For example, we know that in 2017-18 there were more than 43,000 New York residents enrolled in out-of-state distance education at 962 SARA institutions. We also know that in the same year, more than 34,000 residents in other states were enrolled in distance education program provided by the 96 New York State colleges that SED has approved to participate in SARA.

A critical point to remember about SARA is that it has absolutely no impact on the ability of the New York State Attorney General to take action against any institution offering distance education in New York State - under her fraud and consumer protection authority. In addition to enacting regulations to implement the SARA agreement in New York State, the Board of Regents also enacted regulations establishing oversight of non-SARA institutions that want to offer distance education in New York State. If an out-of-state institution is not participating in SARA - that institution must apply directly to SED for authorization.

Our standards mirror SARA's standards. In other words, it is not easier to get approved by SED than it is to be approved through SARA. Many student and consumer advocacy groups applauded the Regents when they enacted the non-SARA regulations as they recognized the important consumer protections that they established.

BPSS Non-Degree Granting Schools

Our Bureau of Proprietary School Supervision (or BPSS) licenses and monitors nearly 400 non-degree granting private career schools and certified English as a Second Language (or ESL) schools. These schools provide post-secondary career and technical education in a wide range of skilled programs such as coding, allied health fields, cosmetology, and dog grooming. BPSS licenses proprietary schools and credentials proprietary school teachers to ensure that appropriate standards are met.

As a result of your efforts, current laws regarding non-degree granting proprietary schools in New York State, under the oversight of BPSS, are often upheld as a national model. These laws: ensure consumer protection; promote increasing educational competence, high standards, accountability, and integrity within the non-degree granting proprietary school sector; and require monitoring and oversight by the Department with fairness and equity.

BPSS Program Review & Oversight Process

These schools are issued an initial two-year license and subsequent four-year licenses, contingent upon re-approval at each expiration point. Schools are required to provide BPSS with bank accounts and a projected tuition statement showing financial viability for the first year without tuition income. BPSS assigns a field associate to each school for monitoring throughout the licensure period, wherein there are unscheduled inspections, technical assistance visits, and re-approval of educational documents. Should a school fail to maintain substantial compliance with the education laws and commissioner's regulations, the schools' license is denied, and a forced closure is ordered.

Following their initial license, schools are required to file a financial statement annually. BPSS has a financial evaluator who interfaces with the schools to manage the collection process and BPSS has the authority to impose financial penalties for schools who fail to comply with the deadlines and requirements. The financial evaluator may also make recommendations to require a performance bond for schools whose financial conditions are deemed to threaten their ability to educate students.

Every school curriculum must also be licensed by BPSS. Each curriculum is reviewed and approved (or denied) by a BPSS evaluator, and if needed, consulting evaluators who are experts in the occupational field being reviewed. Curricula are licensed for a two-year or four-year period at which time reapplication is necessary at the expiration. This ensures BPSS is approving curricula that responds to the rapidly changing occupational fields we license.

BPSS Investigations

The BPSS Investigations and Audit Unit investigates every complaint made against a BPSS school, or individual employed by a BPSS school. Schools found to be operating in violation of the law or regulations may have sanctions and discipline imposed, including suspension or revocation of the school's license, financial penalties, or corrective action plans.

BPSS Student Complaint Resolution Process

BPSS related student complaints are resolved through the BPSS Investigations and Audit Unit. Each student complaint is assigned one or more investigators to perform a comprehensive investigation. Student complaints can be resolved informally through an investigator's recommendations and report, or formally through the issuance of a refund of tuition and fees. The law also authorizes BPSS to process claims through an established Tuition Reimbursement Account (TRA) to refund paid tuition to students. The TRA allows BPSS to quickly and efficiently resolve the complaint.

Conclusion

I want to thank you Chair Stavisky and members of the Senate Higher Education Committee for allowing me to testify today and provide you with this important overview of the Department's current oversight over degree granting colleges and non-degree granting private career schools and ESL schools. We believe that the current oversight of our colleges, whether they be not-for-profit or for-profit, or non-degree granting BPSS schools should continually be examined to ensure student protections. We look forward to working with you, the Assembly, and the Executive when potential issues or changes are identified. Thank you, and we would be happy to answer your questions.

NEW YORK STATE SENATE COMMITTEE ON HIGHER EDUCATION

Exploring Ways to Review Oversight Over For-Profit Schools in New York to Better Inform Students, Parents, and Consumers About For-Profit Education Schools

April 10, 2019

Contact: Jackie Ruegger
jruegger@monroecollege.edu
914-740-6455

Testimony of Marc Jerome

President, Monroe College

Senator Stavisky and members of the higher education committee, thank you for inviting me to share my perspective today. My name is Marc Jerome, and I am the President of Monroe College in the Bronx and a member of the Association of Proprietary Colleges.

Before I begin, I would like to thank Senator Stavisky and members of the committee for your leadership and support of Monroe College throughout the budget process. The Governor's budget proposal would have resulted in my college closing.

I am so proud of the impact that Monroe College and other nationally recognized for-profit colleges, such as the School of Visual Arts and LIM College have on students, our community and New York State.

These past few months have been incredibly challenging because for the first-time, the divisiveness that we witness nationally has come to New York and has resulted in proposed legislation that is uninformed, irrational, and most importantly, would harm students. Critics of New York's for-profit sector are so philosophically opposed to for-profit education of any type that they prioritize demonizing the sector even if it means harming students and ethical, high quality institutions like mine. They also demonstrate a lack of understanding of the regulatory structure in New York and have failed to seek any input from the relevant stakeholders—whether it be the Regents, New York State Education Department or the institutions they wish to regulate.

I welcome the opportunity to have open dialogue and discuss the real issues facing higher education in New York and across the country.

I fully agree that the issues of student debt, graduation rates, and institutional spending priorities – whether they be for advertising or administrative salaries – are important topics. However, we should not be discussing these issues for only one sector of higher education. New York has four sectors: CUNY, SUNY, Independent and Proprietary colleges. There is incredible diversity within each of these sectors, making it inappropriate to try to paint any one sector with a single brush.

As one of the only people in the country who has served as a federal negotiator twice on the issue of higher education accountability, and has extensively studied outcomes for low-income students, I have come to three firm conclusions:

- ▶ ***If you take one thing away from my comments today it is this: higher education in New York is failing too many low-income students. Whether we look at graduation rates or loan default, shockingly weak outcomes for low-income and minority students demand accountability across all sectors.***
- ▶ ***Students comparing institutions to attend must have access to comparable information about similar programs and be informed about weak outcomes wherever they may occur.***
- ▶ ***Any regulation should be constructive rather than punitive and incentivize institutions to implement policies that improve outcomes and help students.***

About Monroe College

In 1933, my grandfather and great aunt founded Monroe College. I am the third generation of my family to lead the institution and I am passionate about what we do. **We employ 1100 faculty and staff, the vast majority of whom are from the Bronx and local vicinity. We pay \$1.8 million in real estate taxes.** As you will read below, we are a major source of social and economic mobility for residents of the Bronx, whether they be our staff, faculty or students.

Significantly, our Bronx Campus is located in the poorest congressional district in the country, but has some of the best outcomes for low-income and first-generation students of any institution across all sectors. Monroe consistently ranks among the top institutions in New York State for graduating Black and Latino students.

- ▶ Monroe is ranked among the top 50 colleges in the country, in all sectors, for improving students' economic mobility.
- ▶ Monroe has implemented an innovative program enabling close to 1000 high school students to earn a degree debt free and the first cohort graduated at a 70% rate.
- ▶ The College also has a **Dreamer's Initiative**, which provides full scholarships for approximately 80 undocumented students.
- ▶ Our on-time two-year graduation rates are consistently more than ten times higher than those of our local public two-year colleges.
- ▶ The prestigious think tank, Third Way, recently noted that Monroe College has one of the highest baccalaureate graduation rates in the country for low-income students.¹

Locally, you cannot walk into any major employer or government agency in the Bronx without meeting a Monroe graduate or someone who knows a Monroe graduate. We house 1100 students in dormitories, educate close to 1000 student-athletes, and attract nearly 1000 international students. As a result, Monroe College contributes millions of dollars to our community in real estate taxes and we are a major pipeline of qualified employees for New York's essential industries.

New York's Current Higher Education Regulatory Framework is the Most Effective in the Nation

Led by the New York State Board of Regents and the Department of Education, New York has created the most unique, progressive and effective higher education accountability framework in the nation. At the core is the simple notion that any degree-granting institution in New York – from any sector – must meet the rigorous requirements promulgated by the Chancellor and the Regents and implemented and enforced by the Commissioner and State Education Department. The decision by the State Education Department almost 50 years ago to require for-profit colleges to operate as academic institutions – and not businesses – was fortuitous.

¹ <https://www.thirdway.org/report/the-pell-divide-how-four-year-institutions-are-failing-to-graduate-low-and-moderate-income-students>. "Monroe College, a for-profit institution in New York, also bucks the trend, with 73% of its Pell Grant recipients graduating last year."

New York's for-profit sector does not resemble the other states that regulate for-profit colleges as businesses. In most of those states, the sector is dominated by large, multi-state chains and publicly traded institutions, which can be found operating low-budget "campuses" in small rented commercial spaces in strip malls. They often are permitted to grow unchecked and open multiple campuses. None of this occurs under New York's framework.

New York's framework, by contrast, has produced for-profit institutions such as Monroe College, School of Visual Arts and LIM College – examples of national excellence who contribute significantly to our local economies and employers.

This is no accident. This is a direct result of the current framework treating for-profit colleges exactly the same as the colleges in the three other sectors.

The Current Climate Around Higher Education Debate has Become Too Political

For the past 50 years, the four sectors have worked together constructively to best serve New York's students. For the first time in those 50 years, there is a divisiveness being imported into New York from the national scene. This divisiveness is unpleasant, and is harming students and the collegial environment that has served New York for so long. It is hard to imagine, but this philosophical opposition to any for-profit education has led to the following:

- ▶ High school counselors refusing to issue high school transcripts for students who want to attend a for-profit college.
- ▶ Shockingly, a year ago, the New York Public Library, whose mission states in part "to advance knowledge by providing free and open access to materials and information..." removed two Monroe College admissions advisors from their college fair and banned them from providing relevant information about our scholarship and Dreamers program. The Library only relented after we contacted the Chancellor's Office, SED, and two elected officials – Senator Gustavo Rivera and Congressman Espaillat.
- ▶ The NYC Department of Consumer Affairs this month proposed requiring all for-profit colleges to call our admissions advisors "salespeople" or be found to have committed a "deceptive trade practice."

Consistent Consumer Information

Students considering a program at any college deserve accurate, easy to understand, and consistent information. Yet, the proposal from the NYC Department of Consumer Affairs would require only for-profit institutions to provide information and warnings, including an irrational graduation rate metric which does not resemble any acceptable graduation rate metric and will result in the disclosure of misleading and contradictory information.

All students should be able to compare information about similar programs and be warned if outcomes are weak.

Graduation Rates Are Too Low

Students should have a reasonable expectation that they will graduate from the college they want to attend. Colleges should be held accountable if too few students graduate. But in too many schools across all sectors, this is not happening. Here are the data from the New York State Education Department's ORIS website.

- ▶ Thirty colleges in New York State have on-time graduation rates less than 10%, only one of which is for-profit and it has closed. These low rates include only full-time students and exclude part-time students.
- ▶ The on-time graduation rate statewide for all two-year institutions is 12.5%. The on-time graduation rate for Monroe College's Bronx campus is 50.1%.
- ▶ In New York City, the on-time graduation rate for public two-year institutions is 5.5%. It improves to 17.5% for the three-year rate.
- ▶ The on-time graduation rate for two-year students at for-profit colleges in New York State is 23.7%. It improves to 30.3% for the three-year rate.

On-time graduation rates should be a priority for New York State, especially for two-year programs. Governor Cuomo's Excelsior program recognizes this with its 15-credit per semester requirement. Students who are pursuing an associate degree and spend three or four years earning it exhaust their grant aid and are forced to borrow for the bachelor degree.

There should be more accountability for these low graduation rates.

Default Rate Accountability

Students should have a reasonable expectation that if they take a student loan they won't default. Monroe College's current three-year default rate is 3.9%. **There are 36 degree-granting institutions in New York State that have default rates above 15%** – twenty-two public, two private and twelve for-profit. *The problem of default can be found across all sectors. All students deserve warnings. These institutions should be held accountable to improve their results.*

Inaccurate data about default rates have been wielded recklessly. For example, based on a single study of five-year default rates, the Century Foundation, in its report, *Grading New York's College's*, made the claim that “for-profit colleges enroll 4% of students in New York but account for 40% of the defaults.” This claim is misleading because the data used is outdated and included schools that have since closed whose default rates skewed the results.

When the closed institutions are removed from the equation, a very different picture emerges.

New York Degree-Granting Institutions with 5-Year Default Rates Above 20%

- ▶ 12 public colleges
- ▶ 9 proprietary colleges
- ▶ 1 independent college

Default data are misleading because they include multi-state for-profit colleges who report their outcomes nationally.

Many multi-state, national for profit colleges, such as Devry only publish national default data. For their New York campus' 2014 Cohort default rate data, 4216 defaulters are reported with 33,464 students in repayment. This is their national default rate for all their schools, and does not identify the number of New York students defaulting. New York State reports their enrollment at just over 1000 Full Time Equivalents. As result, the default claims made are misleading.

For-profit college default rates are similar to community college default rates.

The three-year default data reveal that for-profit colleges in New York have lower default rates (12.9%) than two-year public colleges (14.9%) in the state for the 2012 cohort.

The Higher Education Landscape Has Changed Dramatically

A strong economy keeping adults employed, the Excelsior Scholarship Program making public college free for families that make up to \$125,000 and the public's general aversion to student debt, has caused the higher education landscape in New York for all private colleges to be remarkably challenging. Add into the mix, huge multi-state public and private non-profit online institutions such as Southern New Hampshire University, Arizona State University and Western Governors University, and you have a perfect storm for higher education.

The two largest college closures in New York have been two independent colleges—Dowling and the College of New Rochelle. For-profit colleges are not the largest advertisers in New York, nor are they the most aggressive recruiters. Just go to the website of the non-profit online provider “Independence University” and you can experience an aggressive non-profit website that does not permit a student to enter without inputting personal information.

- ▶ A recent article in Forbes Magazine notes that Southern New Hampshire University spends 20% of its budget on advertising (over \$100,000,000) and the article notes that “margins in the online division are a fat 24%.”²
- ▶ After more than 100 years in existence, the College of New Rochelle announced its closure.³ The closure stemmed from financial impropriety in the administration. In addition, CNR had contracted with an outside for-profit enrollment group, paying a per-student fee for each enrollment, which is prohibited by the US DOE.
- ▶ Similarly, Syracuse University advertises on local NYC radio for its online graduate degrees. What the public may not know is that it is not Syracuse University itself advertising. Rather, it is an Online Program Manager named 2U, which is for-profit.⁴
- ▶ We also are aware of a number of non-urban residential colleges that have both open admission (or close to it) and require low-income NYC students to borrow heavily for the dorms. This combination of open admission and borrowing for dormitories results in exactly the type of problems with student debt that concern us all.

2 <https://www.forbes.com/sites/susanadams/2019/03/28/meet-the-english-professor-creating-the-billion-dollar-college-of-the-future/#6772882a426b>

3 <https://www.lohud.com/story/news/education/2019/03/05/college-new-rochelle-closing-mercy/3065163002/>

4 <https://ischoolonline.syr.edu/about/2u>

▶ Lastly, we are aware of certain non-profit institutions who license out their names and degrees to unregistered for-profit entities in exchange for revenue.⁵ With many public and non-profit institutions attempting to scale nationally and at least 525 public and non-profit schools hiring for-profit Online Program Managers, it's hard to tell what the future holds.

Consistent Accountability is Appropriate for All Higher Education Institutions

The notion that the difference in sector oversight justifies separate protections for students does not withstand scrutiny. Public boards often provide political oversight, not outcomes oversight. If the oversight was effective, there would not be so many public and non-profit institutions with such poor outcomes. High school principals would lose their jobs if their on-time graduation rate were below 10%.

Accountability and Consumer Protection Should Be Extended to All Institutions and All Students

To do anything else is to abandon the close to one million New York college students who do not attend for-profit institutions. The national efforts to regulate solely the for-profit sector, such as the Gainful Employment Rule which I have been intimately involved with for many years, are so overbroad and so imprecise, that they have the exact opposite effect from what was intended. Rather than punish poorly performing programs, the rules actually close some of the best performing programs in the country while leaving the same programs at other institutions unaccountable simply because they have a different tax status. This cannot be what was intended.

New York should stay the course holding all institutions accountable and protecting students wherever they may attend.

⁵ <https://www.yelp.com/biz/skidmore-college-computer-career-institute-white-plains>

Suggestions Applicable to All Sectors That Should Adequately Address Poor Outcomes or Behavior in Any For-Profit Institution

1. The New York State Education Department should investigate institutions whose enrollment increases or decreases by a certain percent or are the subject of student complaints.

The New State Education Department could intensify its monitoring of enrollment trends to get ahead of problems whether they be a result of fast growth or steep decline. The College of New Rochelle's closure was preceded by steep enrollment decline. Many non-public institutions are struggling with enrollment. Any unplanned closure poses a risk to New York State. In addition, significant enrollment growth also raises issues of administrative capability and compliance with regulatory requirements. TCI College experienced such enrollment growth before its implosion.

The State Education Department could also benefit from a clearer process for receiving and addressing student complaints. Currently, SED is understaffed and under-resourced. SED needs to have resources to appropriately monitor and investigate institutions when there is evidence that students are not being served well. We recommend that institutions under investigation be required to fund part or all of the cost of the investigation.

2. Ban the use of arbitration agreements.

We are unaware of any current New York institution that requires students to agree to arbitration. However, due to the asymmetry of power and resources between the student and the institution, we believe mandatory arbitration agreements are not appropriate.

3. Require all colleges to adopt a Code Of Conduct for admissions and financial aid staff.

Monroe College prides itself on the integrity of our faculty and staff. All admissions advisors are trained on and follow a Code of Conduct that requires them to "always act in the best interests of students and their families." The State could require all colleges to adopt codes of conduct.

4. To ensure accountability of State resources and institutional effectiveness, New York State should track TAP allocations by institution divided by the number of TAP recipients who graduate.

With TAP expenditures approaching \$1 billion for the 2017-2018 year, the State should measure what it gets in return for the spending.

HESC currently publishes the amount of TAP each institution receives, but does not publish how well each institution performs with the public funds received. This proposal protects the State and the taxpayer. It gives students and the public relevant information to determine how an institution serves the State's most vulnerable students.

5. Require disclosure for Institutions Using Online Program Managers (OPMs).

With many public and non-profit institutions attempting to scale nationally and at least 525 public and non-profit schools hiring for-profit OPMs, the State should require any institution using an OPM to disclose this fact and the percentage of revenue that is shared with the OPM.⁶

6. Prohibit educational websites from requiring personal contact information prior to entering the site.

Some educational institutions make it very difficult to access information on their website without first providing personal contact information. This is not appropriate and New York could ban the practice.

7. Put limits on marketing and advertising expenditures as a portion of budget.

New York could require an annual disclosure of each institution detailing the amount spent and percentage of overall revenue. Years ago, it was the publicly traded for-profit entities that spent huge sums on marketing and advertising. The world has changed. Non-profit and public institutions as well as third party Online Program Managers are now reported to be the largest spenders.

8. Ban colleges from licensing their name and degrees.

As noted above, we have seen evidence of colleges licensing out their name and degree to non-accredited organizations simply to raise revenue.

⁶ <https://www.huffpost.com/highline/article/capitalist-takeover-college/>

Kevin Carey's article details just how big Online Program Managers have become and just how much they add to the cost of an education.

TESTIMONY OF LIM COLLEGE

**IN CONJUNCTION WITH A PUBLIC HEARING OF THE
NY STATE SENATE STANDING COMMITTEE ON HIGHER EDUCATION**

April 10, 2019



LIM COLLEGE

WHERE BUSINESS MEETS FASHION

Testimony Provided by LIM College

Senator Stavisky and other esteemed Senators of the Committee on Higher Education, thank you for giving LIM College the opportunity to present testimony today in relation to your stated topic: "To explore ways to review oversight over for-profit schools in order to better inform students, parents, and consumers about for-profit education schools." My name is Christopher E. Barto and I am currently the Vice President of Government Relations & Community Affairs for LIM College, where I have been employed for almost 15 years. But most of my 30-year career in higher education has been as a financial aid and compliance professional, having worked at several other NYS colleges & universities (public and private not-profit) prior to LIM. It is my honor to be here today. I also come before you on behalf of the Association of Proprietary Colleges (APC), of which LIM College is a member institution.

I would like to thank you and members of the NYS Senate and Assembly Leadership on both sides of the aisle for your bi-partisan rejection in the final FY 2020 budget of the Governor's proposed For-Profit College Accountability Act. As you know, that proposal was so extreme that it would have closed all of our APC member colleges and would have decimated the proprietary sector of higher education in New York (both degree and non-degree institutions), leaving potentially over 200,000 students without the ability to complete their programs of study. The fact that you and your colleagues in the legislature resoundingly rejected this proposal speaks to an understanding that proprietary colleges have played and continue to play a very important and vital role in helping to provide a robust and in-demand set of higher education options for students in the state.

For LIM College and the Marcuse family thinking about the possibility that our College, which is about to celebrate 80 years of leadership in fashion business and experiential education, could be summarily closed based on a set of arbitrary and capricious metrics is unfathomable. So this begs the question of what problem are we trying to solve if our institutions play such an important role in higher education in NY and have such an extensive history of excellent outcomes for the students we serve? The political climate of discourse and "tribalism" regarding institutions that are routinely described as "predatory for-profit" colleges and schools seems to be the true issue at hand, because in this digital age of transparency certainly all students, parents, and consumers are deserving of better information regarding any institution of higher education they may be considering investing their hard-earned money in. I say that emphatically, in particular, about all-degree granting colleges because in my 30 years of higher education experience working with thousands of students and parents they are largely consistent in wanting to know the same kinds of information in terms of cost of attendance, financial aid & scholarship eligibility, net price, programs of study, graduation rates, average student loan debt, feedback from current students, the quality & professional experience of faculty members, and the employability and long-term success of graduates – they expect that information from all colleges regardless of their private or public status, non-profit or proprietary – they want to be able to make "apples-to-apples" comparisons.

LIM College is a perfect example to illustrate this, we currently have students enrolled from 43 states and 37 different countries, we are a nationally and internationally recognized institution, and students compare us with colleges offering similar programs of study across the U.S. at both public and other private colleges. To suggest that a unique set of public disclosure requirements that would only apply to proprietary colleges in NY would somehow help these students compare LIM College to our competitors ignores who those competitors are and I dare say would only add to the confusion of inconsistent information that many students and families already face in this important decision-making process.

This is particularly true in the area of employability or what is commonly referred to as “placement rates” – which is a misnomer at most colleges. There are very few colleges or universities that actually place graduates in jobs, but there are many variations on the way and the extent to which they assist students to find employment after graduation. LIM College provides students with extensive career development services in the form of seminar courses that start in the freshmen year and continue through graduation with career advising and support for obtaining and completing our three required credit-bearing internships. This support continues beyond commencement with lifelong employment search assistance, access to the College’s expansive job search database, and ongoing career advising available to help alumni advance from entry- to mid- and executive-level opportunities in fashion and related industries. In fact, undergraduates spend their final senior semester in a full-time Co-op experience at a company of their choice and more than 50% typically are offered post-graduation employment at that same company and are able to graduate already having obtained a job they want. And within 6 months of graduation we find that more 90% of our alumni looking for employment typically have jobs. For example, for the undergraduate class of 2018, 93% who sought employment had jobs within 6 months (87% were working full-time, 4% part-time, and 9% were working freelance jobs). This data was compiled based on National Association of Colleges and Employers (NACE) standards with a 95% knowledge rate.

Unfortunately, there currently is no uniform definition of how colleges should calculate the employability of their alumni or any general requirement that they do so, other than what might be mandated by specialized accreditors – typically for the licensed professions. The U.S. Department of Education has been attempting unsuccessfully for many years to come up with a consistent and uniform way to require that colleges calculate an employment or job “placement” rate. In this vacuum, colleges and universities from all sectors of higher education have come up with their own ways of calculating employment rates that are all over the map – and some, mostly in the proprietary college sector, have been scrutinized for misrepresenting (in one form or another) that information to the public. But honesty & integrity in higher education is not guaranteed simply because an institution is non-profit. If one were to doubt this all you would have to do is follow a few weeks or months of higher ed news to see issues of data-integrity in trying to influence college rankings, college officials participating in admissions bribery schemes, and financial mismanagement scandals all in the non-profit sector. Thus, students and parents don’t know that the employment or job “placement” rates that colleges are sharing with them reflect many different methodologies, sample sizes, participation rates, and assumptions – and are not proverbially “apples-to-apples”. Appropriate standards for information are important because they standardize how we can evaluate institutions and provide us with comparable benchmarks.

All degree-granting colleges and universities have to meet the same set of standards and adhere to the same stringent oversight of the New York Board of Regents and the New York State Education Department. As such, I would assert that any additional state-based metrics designed to better inform students and parents should exist for all sectors of higher education, **but better yet – the White House has recently directed the U.S. Department of Education to develop program-level outcomes data that they intend to add to the federal College Scorecard – including information on earnings, student debt, and loan repayment rates. This will truly provide education consumers with something that has been long-overdue – the ability to actually compare similar academic programs across a wide variety of institutions in all sectors of higher education in the way that consumers in so many other areas of our economy are able to do – based on their intended “purchase”.**

About LIM College

LIM College History & Mission

LIM College was founded under the name Laboratory Institute of Merchandising in 1939 by Maxwell F. Marcuse and two colleagues from the fashion industry. Marcuse, a graduate of the City College of New York, had been an advertising manager at R. H. Macy & Company and then the advertising director of Oppenheim Collins, a group of women's specialty stores. As a retailing executive, Maxwell Marcuse had an interest in education, and his concern about proper training led him to work on the establishment of New York University's School of Retailing. In addition, as a member of the Board of Higher Education of the City of New York, Marcuse was actively involved in the establishment of Queens College and the development of Brooklyn College on its present campus. Respecting Marcuse's experience in both retail and education, a group of retail executives from Saks Fifth Avenue, Macy's, Bloomingdale's, Gimbels, and B. Altman approached him with the idea that he should organize a program that would train women for a career in retail management. Marcuse founded the Laboratory Institute of Merchandising and incorporated in it what were then the unique concepts of cooperative education and instruction by adjunct faculty from the industry. In the 1940s, 50s, and 60s, LIM offered certificates to women interested in fashion merchandising with the goal of preparing them for retail positions, primarily in the management-training programs of major retail companies such as Macy's, Bloomingdale's, and Saks Fifth Avenue.

Maxwell's son, Adrian G. Marcuse, who had experience in both marketing and retailing, as well as an M.S. from the Massachusetts Institute of Technology, joined LIM in 1962, and from 1972 to 2002, he served as president and CEO. As the College continued to evolve to meet the needs of both students and industry, associate degree-granting powers were approved in early 1972. Soon after, LIM became the first proprietary college to receive accreditation from the Middle States Commission on Higher Education in 1977. Authority to grant a Bachelor of Professional Studies degree (B.P.S.) was approved in 1983, with the first bachelor's degree being awarded in 1985. In 1996, LIM was authorized to grant a Bachelor of Business Administration degree (BBA) in Fashion Merchandising. Authority to grant a Bachelor of Business Administration degree in Marketing (1998), Visual Merchandising (2003), and Management (2005) followed. During his Presidency, Adrian was a founding member of what is now the influential statewide association known as APC Colleges. He spent a great deal of time in Albany working with New York State officials on advancing the proprietary sector of higher education. He also went on to serve as a Trustee and member of the Executive Committee of the Association of Colleges and Universities of the State of New York and he was active in several higher education professional organizations.

After spending nearly two decades building a successful career in fashion retailing and apparel manufacturing, including as the former Director of Retail Planning for Donna Karan International, Elizabeth S. Marcuse became President in 2002 upon the retirement of her father, Adrian, and represents the third generation of dedicated Marcuse family leadership of the College. Under her guidance, Laboratory Institute of Merchandising became LIM College in 2009, a decision undertaken after an extensive re-branding effort. Elizabeth worked to lead the College through a period of incredible strategic growth in enrollment, physical presence, and academic mission, while at the same time working to ensure that our student body is more geographically and ethnically diverse. Most notably, she has overseen LIM's ascension to become a master's degree-granting institution, leading to the development of unique Masters of Professional Studies (MPS) programs in Fashion Marketing, Fashion Merchandising & Retail Management, Global Fashion Supply Chain Management, and The Business of Fashion. Elizabeth has also overseen the development of the College's first Bachelors of Science (BS)

degree programs, in International Business and Fashion Media, as well as the launch of several of our programs in a fully online format. She also serves on the Advisory Board of Fashion Group International and is a member of the Board of Trustees of APC Colleges, where she has been an active advocate for higher education issues on both the state and federal levels.

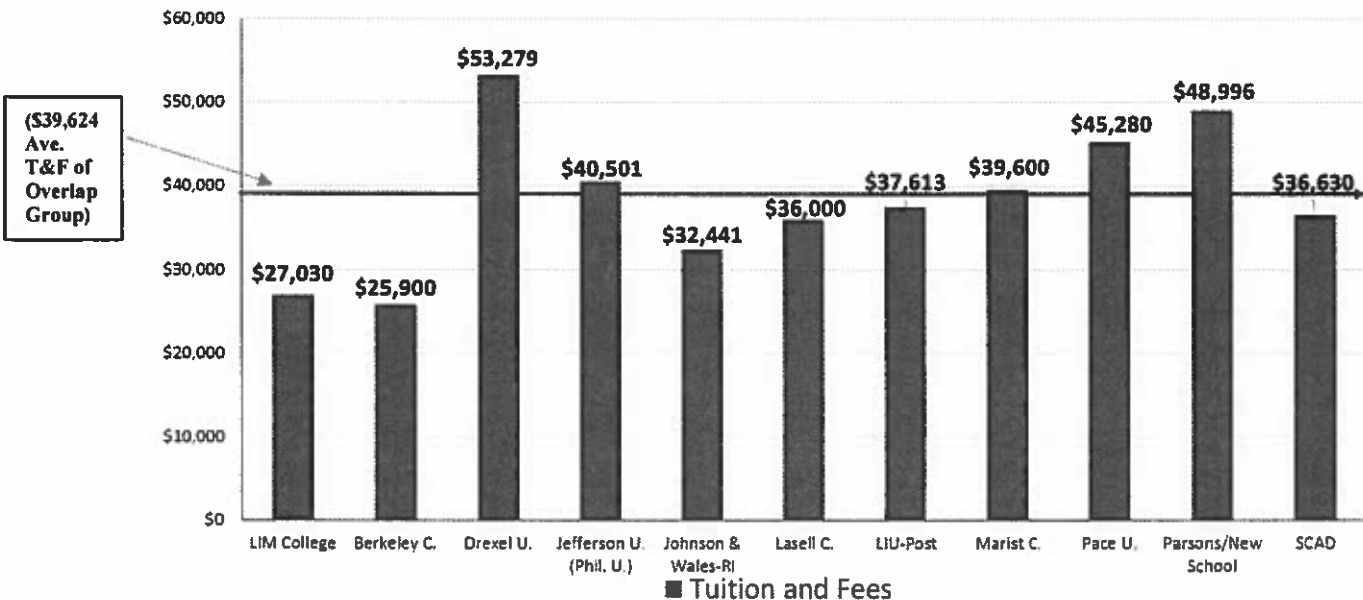
I am sharing this detailed history with you because I believe it is important to demonstrate that LIM College and the Marcuse family have played a long-standing and significant role in the development of fashion business education, experiential education, and the wider higher education community here in New York City and throughout the state.

While LIM College has grown in size and evolved educationally, the original mission—to educate students through a practical hands-on curriculum and consistent exposure to the fashion industry—has been unaltered. The interest and cooperation of the fashion and related industries have made LIM the successful college that it is. LIM College has sought and continues to receive the backing and recognition of the fashion industry through its support of the College’s cooperative education curriculum, the willingness of fashion executives to serve on the advisory board, the provision of capable instructors and guest speakers, and, most significant, the acceptance of LIM’s graduates into the fashion industry.

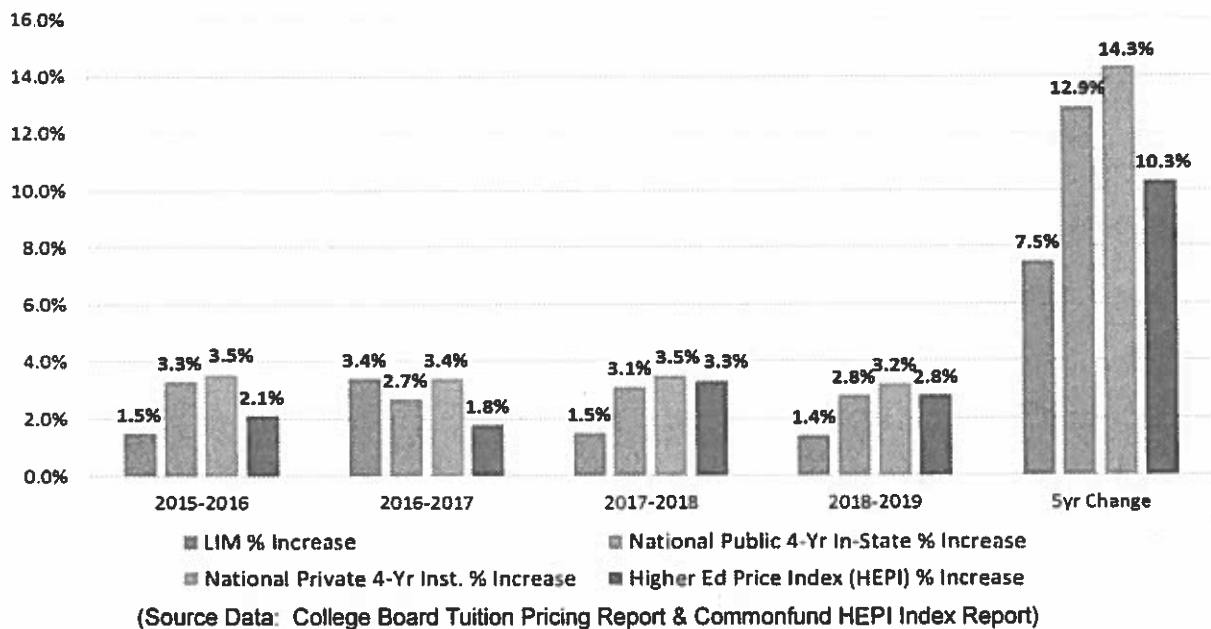
An Affordable Private Education

Today LIM College educates approximately 1,800 students annually in eight undergraduate degree programs and four graduate programs of study. As I shared previously, the College has become a recognized leader nationally and internationally in the business of fashion, drawing students from 43 states and 37 different countries. LIM is a private college and we provide a private college experience with a student-to-faculty ratio of 9:1 and an average class size of 17 students. We do so at a competitive tuition rate that is well below the average tuition and fees of the top ten private colleges that our prospective students typically also apply to:

2018-19 Direct Tuition & Fees Cost Comparison with Overlap Private Colleges



**Comparative 1-Year & 5-Year % Increases in Direct College Costs
(combined Tuition & Fees and Room & Board) compared with HEPI Index**



The College has worked tirelessly to keep tuition increases to a minimum at the same time we have reinvested our tuition revenue into continued improvement of our facilities and all academic, career, and other support services for students. The college has done so without the direct financial support of any New York state or federally provided funds – the type of tax-payer based funding that highly subsidizes public colleges and universities. Our students are eligible to receive NYS grant funds as well as federal grant and loan funds to assist with their cost of attendance, but those funds make up just less than 55% of our tuition and fees revenue.

The College's operating expenses are funded almost exclusively from tuition and fees revenue and over 90% of those funds are used towards expenses that directly or indirectly support instruction and student services. Specifically, all instructional expenses, academic support, and student support services account for 38% of core expenses and institutional scholarships & grants account for another 10%.

Being located in midtown Manhattan, LIM's first-class facilities and associated operations are expensive and require a significant investment that accounts for 28% of our core expenses. Having higher real estate, taxes, & related operating expenses proportionally doesn't mean that the quality of the College's academic programs is lower than others without such high expenses in this area – this is not a causal inference.

Most educators agree that institutional quality is best evidenced by the outcomes of a college's graduates – demonstrated by factors such as persistence in degree completion (graduation rate), employability, earnings, and successful repayment of student loans. If the portion of tuition dollars spent directly on instruction was a direct correlation with institutional quality then we would expect to see that the aforementioned outcome metrics of the heavily tax-payer subsidized CUNY and SUNY colleges and universities would be dramatically higher than colleges in other sectors, but that is not the case. I would venture to say that how efficiently and effectively an institution uses its financial resources does matter and can influence the success

of its academic programs. And students and parents evaluating college and their academic programs certainly care far more about the outcomes of an institution's graduates than they do about the allocation of financial "inputs".

Accreditation

Standards that are applied consistently and uniformly matter in evaluating institutions. As I mentioned previously, in 1977 LIM College became the first proprietary college to receive regional accreditation from the Middle States Commission on Higher Education (MSCHE). Regional accreditation is widely recognized as the highest level of general institutional accreditation for colleges and universities in the U.S. Credits earned from regionally accredited institutions are also more widely accepted and thus more readily transferable. LIM has consistently adhered to the high standards of the MSCHE and maintained our regional accreditation for over 40 years. And through the required periodic Self-Study institutional review process our accreditation was recently reaffirmed with commendation in 2017. The strength of our curriculum and academic programs has also been further affirmed via specialized accreditation of our business degree programs by the Accreditation Council for Business Schools and Programs.

Experiential Education and Industry Connections

Located in the heart of New York City —the nation's fashion and business capital —LIM College provides students with innumerable opportunities for firsthand experience and professional development. The College is widely recognized as a pioneer in experiential education known for fostering a unique connection between real-world experience and academic study in business principles. We require undergraduate students to complete 12 credits of experiential education in the form of focused career building seminars and 3 mandatory internships. During their first few years students intern in a retail and corporate setting for a total of at least 260 hours. During their final semester, students spend a minimum of 28 hours a week in an internship related to their specific career goals. Visits to fashion-related companies and guest lectures from industry professionals also expose students to a multitude of career options.

The College has exceptionally strong ties to the fashion industry and works closely with our Fashion Industry Advisory Board members to continually fine tune and adapt our academic programs to meet the needs of employers and to deliver sought-after talent – making LIM College a strong economic driver and workforce pipeline for one of New York's most important industries. Comprised of successful senior executives from a broad range of areas in fashion and related industries, the Fashion Industry Advisory Board assists and advises the College in areas that include curriculum, long-range planning, and industry outreach. Board members also mentor students, host trips to industry sites, speak in class, hire LIM students and alumni, and help the College to identify emerging areas of study. Advisory Board members hold, or have held, high-level positions with companies that include Ascena Retail Group, Bloomingdale's, Coty, Derek Lam, Macy's Inc, PricewaterhouseCoopers, Ross Stores, Serta Simmons Bedding, and Vera Bradley.

LIM College alumni number over 10,000, and many have gone on to excel at top companies, including, but not limited to: Barney's, Bloomingdale's, Calvin Klein, Coach, *Harper's Bazaar*, Kenneth Cole Productions, Lord & Taylor, Macy's, Michael Kors, Neiman Marcus, Nordstrom, Ralph Lauren, and Tommy Hilfiger. And despite the tumultuous economic conditions of the last 10 years and tremendous changes transforming the fashion industry, the employment rate of LIM College graduates has remained consistently high. For example, for the Class of 2017, 92% of undergraduates seeking employment secured positions throughout the fashion and

related industries, with 97% of these alumni employed within 6 months of graduation. Among master's degree graduates seeking employment and who were eligible to work in the U.S., 90% secured positions in the fashion and related industries, with 87% of these alumni employed within 6 months of graduation.

LIM College is widely recognized in the fashion industry as being a leader in fashion business education for 8 decades – providing top talent and supporting the economic development of one of New York State's most important industries – with more than 900 fashion company corporate headquarters located in the NY Metro Area.

Accolades

LIM College is committed to ensuring that our students receive a highly valuable education that will serve as a strong foundation for professional success, within the most supportive environment possible. This focus and dedication has resulted in many external accolades:

- LIM College's online graduate degree programs were included in U.S. News & World Report's 2019 rankings of the Best Online Graduate Business Programs.
- The Princeton Review named LIM College to their "Best in the Northeast" list of colleges for 2019 – the 14th consecutive year we have been recognized in this manner.
- For the past four years, Phi Theta Kappa, the oldest, largest and most prestigious honor society recognizing students pursuing two-year degrees, named LIM College to its "Transfer Honor Roll" as one of the 40 top colleges nationwide creating dynamic pathways to support students transferring from community colleges.
- In 2017, *The Business of Fashion's* Global Fashion School Rankings placed LIM College among the Top 10 institutions in the world for graduate business education in fashion.
- LIM was ranked in the top 10% of value-added four-year colleges in the U.S. in a 2015 study by the Brookings Institution.

These distinctions are the types of recognition and independent validation that any college would be proud of and affirm that we are a respected college in the full sense and weight of that word. For over 40 years the New York Board of Regents and the State Education Department have held all four sectors of degree-granting colleges to the same high standards. If legislators are interested in helping students make better informed college decisions than that effort should be designed to assist all NY students – to improve transparency for all. And if the intent of legislators is to raise some of the state's higher education standards, than the bar should be equally raised to benefit all students.

In Conclusion

We live in a digital age of information overload and student and parents who are trying to make what is likely their most important and most expensive lifelong educational decision are faced with a dazzling array of different presentations of college data on the internet. They need clear and consistent information that is based on agreed upon standards for data that are applicable to all colleges and universities and that allow for an assessment of similar programs based on the outcomes of their graduates. Families increasingly want and expect better information on the potential return on investment (ROI) of the institutions they are considering. College should expand student's horizons, help them to better understand the world we live in, encourage them to become engaged citizens, support lifelong learning, and provide them with the tools and critical skills to improve their position in life through productive and hopefully progressive work careers. Students and their families care most about outcomes – not a report card or rating based on institutional inputs that would try to serve as an over-simplified proxy for ranking quality. While colleges cannot guarantee specific job and career outcomes, they can provide

good data that demonstrates the track record of the accomplishments of previous students – their graduation rate, employment rate, and loan repayment rates for example. But that data must be appropriately standardized and be readily available for all colleges because students and parents don't shop by sector of higher education – they look at a whole host of institutional factors, but their search routinely centers around programs of study that the student is interested in. We support the federal effort to make program-level outcomes data available through the College Scorecard for all colleges & universities. We urge the legislature to continue New York's commitment to high standards and equality & parity across all sectors that has created such a robust system of higher education in the state. As you consider the possibility of implementing additional standards and/or disclosures of outcomes data we urge you to clearly articulate the intended outcome, ensure any new standard in New York utilizes established norms that can be compared to other institutions and continue to maintain this parity by equally applying those measures to all sectors of higher education in NY in order to support transparency and access for all students in the state.

Exhibits

Please see the attached Exhibit A which includes 29 letters of support from a combination of LIM College alumni, members of our Board of Directors, and industry Presidents, CEOs, and other senior-level executives who serve on our Fashion Industry Advisory Board and who have offered internships and full-time employment to numerous LIM College students and alumni. They all attest to the unique nature of the College's academic programs and essential role that LIM plays in supporting the economic engine of NY's fashion and related industries.

Contact Information: Christopher E. Barto
Vice President of Government Relations & Community Affairs
LIM College
christopher.barto@limcollege.edu
Phone (212)310-0635



Exhibit A

Letters of Support from

LIM College Alumna

LIM College Industry Partners

LIM College Board Members

Alali George

March 4, 2019

Andrea Stewart-Cousins
Leader, New York State Senate
Carl Heastie
Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins and Mr. Heastie,

As an alumna of LIM College Class of 1996, I write to express my concerns with the Governor's proposed For-Profit College Accountability Act.

I chose LIM College for its educational focus on the business of fashion and for the support it provides to its students. LIM College's academic curriculum and internship opportunities helped prepare me for the career I hoped to pursue. My LIM education gave me a solid professional background coupled with real world experience while still in school which enabled me to immediately be competitive in the fashion industry.

Today, I work as the Director of Creative Operations for Victoria's Secret. I'm proud to say that my employer, L. Brands, makes a point of seeking out LIM College students to fill its internship opportunities and has hired LIM students post-graduation.

The Governor's goals of ensuring access to a quality, affordable education are commendable – but his proposal would harm the very students it seeks to help.

Accordingly, I urge you to reject the Governor's proposed "For-Profit College Accountability Act" and ensure future students attending LIM College and other institutions like it can continue to attend the institutions that best serve their needs and support them on their pathway to successful careers.

Sincerely,
Alali George

Alali George
Director of Creative Operations, Victoria's Secret

Alexis Michaelides

March 4, 2019

Andrea Stewart-Cousins
Leader, New York State Senate
Carl Heastie
Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins and Mr. Heastie,

As an alumna of LIM College Class of 2012, I write to express my concerns with the Governor's proposed For-Profit College Accountability Act.

I chose LIM College for its educational focus on the business of fashion and for the support it provides to its students. Like many who have gone to LIM, I had a dream to be a part of an exciting, fast-paced, and challenging industry, and I wanted to be around others who were just as passionate and ambitious as I was. LIM College nurtured us – teaching us the skills we needed to be business professionals and providing constant mentorship along the way from faculty and administrators, many of whom were active industry professionals and not just academics. I believe this is not only one of LIM's critical differentiators but one of the key reasons why its students succeed. Through an immersive curriculum, we are taught to think critically and creatively, to lead, to collaborate, and solve real life business problems so we can hit the ground running when we graduate. It's why I was not only able to graduate as the College's valedictorian that year, but also graduate with a resume stacked with seven internships/work experience, multiple references, and enter the workforce as one of sixteen graduates from around the nation to join Macys.com first ever executive development program.

Seven years later, I've since transitioned from the fashion industry, and am working as the Chief of Staff to the SVP, Global Membership Rewards & Benefits at American Express, and I have been with the company for over three years. I'm often asked about how I made the change from a Fashion Marketer to the financial services industry, but I have never thought twice about my preparedness because I am confident in the skills, professionalism, and network I built at LIM. Seven years later, I'm still an active alumna, visiting the College every couple of months to share my experiences and successes with prospective students and their parents as well as current students and graduates. I built a community for myself as a student at LIM College, and I am proud to be shaping it as an alumna and give back to a community that gave me so much.

As such, while the Governor's goals of ensuring access to a quality, affordable education are commendable, I believe his proposal would harm the very students it seeks to help. Accordingly, I urge you to reject the Governor's proposed "For-Profit College Accountability Act" and ensure

future students attending LIM College and other institutions like it can continue to attend the institutions that best serve their needs and support them on their pathway to successful careers.

Sincerely,
Alexis Michaelides

Alexis Michaelides
Director of Business Planning & Strategy, American Express

Annalie Kaiser

March 7, 2019

Andrea Stewart-Cousins
Leader, New York State Senate
Carl Heastie
Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins and Mr. Heastie,

As an alumna of LIM College Class of 2015, I write to express my concerns with the Governor's proposed For-Profit College Accountability Act.

I chose LIM College for its educational focus on the business of fashion and for the support it provides to its students. LIM College's academic curriculum and internship opportunities helped prepare me for the career I hoped to pursue. Because of LIM College, at just the age of 21 I was given the opportunity to work for an incredibly famous New York based fashion designer, Betsey Johnson. Johnson hired me because of my learning and training from LIM College. I have now gone on to have an impressive career planning events in New York City, all because LIM gave me that opportunity.

Today, I am a project manager at FIRST global events agency specializing in Bank of America corporate events. I am proud to say that my employer, FIRST, makes a point of seeking out LIM College students to fill its internship opportunities and has hired LIM students post-graduation as well as my past companies, Betsey Johnson and Barclay's Center.

The Governor's goals of ensuring access to a quality, affordable education are commendable – but his proposal would harm the very students it seeks to help.

Accordingly, I urge you to reject the Governor's proposed "For-Profit College Accountability Act" and ensure future students attending LIM College and other institutions like it can continue to attend the institutions that best serve their needs and support them on their pathway to successful careers.

Sincerely,

Annalie Kaiser
FIRST Global Events Agency

AUBRIANA A. SWEET

March 12, 2019

Andrea Stewart-Cousins
Leader, New York State Senate
Carl Heastie
Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins and Mr. Heastie,

As an alumna of LIM College Class of 2017, I write to express my concerns with the Governor's proposed For-Profit College Accountability Act.

I chose LIM College for its educational focus on the business of fashion and for the support it provides to its students. LIM College's academic curriculum and internship opportunities helped prepare me for the career I hoped to pursue. For example, LIM College gave me the resources to find the job that I am now currently in. My boss is an alumni of LIM College, and with the help of LIM College's Alumni Association, I was able to complete my senior co-op internship with PJCP and then was hired on full-time upon graduation. More so, within my first year, I was promoted to an Event Manager.

Today, I work as an Event Manager for Patrick J. Clayton Productions. I'm proud to say that my employer, PJCP, makes a point of seeking out LIM College students to fill its internship opportunities and has hired other LIM students post-graduation.

The Governor's goals of ensuring access to a quality, affordable education are commendable – but his proposal would harm the very students it seeks to help. Accordingly, I urge you to reject the Governor's proposed "For-Profit College Accountability Act" and ensure future students attending LIM College and other institutions like it can continue to attend the institutions that best serve their needs and support them on their pathway to successful careers.

Sincerely,



Aubriana A. Sweet
Event Manager, PJCP

Gabrielle Wisler

March 4, 2019

Andrea Stewart-Cousins - Leader, New York State Senate

Carl Heastie - Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins and Mr. Heastie,

As an alumna of LIM College Class of 2012 and 2014, I write to express my concerns with the Governor's proposed For-Profit College Accountability Act.

I chose LIM College for its educational focus on the business of fashion and for the support it provides to its students. LIM College's academic curriculum and internship opportunities helped prepare me for the career I hoped to pursue. LIM created a unique space for students to grow, learn and build a community together. The staff and faculty support the students in an unparalleled way; everyone can succeed with that type positivity. LIM College is still my home away from home. I owe a lot of who I am in my adult life to them - my confidence soared when I started, my leadership qualities expanded with time and my professional career blossomed all with the support of LIM.

Today, I work for The Premiere Group as the Senior Manager of International Business.

Since joining the company, I'm proud to say that my employer is looking forward to using LIM College students to fill its internship opportunities and as the company expands, look to hire LIM student's post-graduation.

The Governor's goals of ensuring access to a quality, affordable education is commendable – but his proposal would harm the very students it seeks to help.

Accordingly, I urge you to reject the Governor's proposed "For-Profit College Accountability Act" and ensure future students attending LIM College and other institutions like it can continue to attend the institutions that best serve their needs and support them on their pathway to successful careers.

Sincerely,
Gabrielle Wisler

Gabrielle Wisler
Senior Manager of International Business
The Premiere Group

Lisa Michaelides

March 4, 2019

Andrea Stewart-Cousins
Leader, New York State Senate
Carl Heastie
Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins and Mr. Heastie,

As an alumna of LIM College Class of 2014, I write to express my concerns with the Governor's proposed For-Profit College Accountability Act.

I chose LIM College for its educational focus on the business of fashion and for the support it provides to its students. LIM is not a typical college and it is for that reason that I look back fondly on my years there. My semesters were extremely busy; full of classes, internships and jobs but this schedule taught me to balance and prioritize tight timelines that are not easy to master without life experience. At LIM I was able to hone my skill set related to the field I felt passionate for and wished to pursue without spending extraneous time on subjects that were unrelated. Public speaking, resume/LinkedIn building and networking are additional skills outside of academia that I am appreciative for LIM instilling in their students, as these will take me far in all phases of my career. My success allowed me to be a lifelong member of two prestigious business honor societies (Sigma Beta Delta and Delta Mu Delta).

Today, I am the Visual Planning Associate for Tommy Hilfiger, North America. I have worked at Tommy Hilfiger for five years now, supporting the Company Store business of ~250 stores. I landed this job by being remembered for the high-quality work I put out as a student intern twice from LIM College. Tommy Hilfiger is just one of the esteemed, prospering fashion companies that makes a point to fill internship opportunities and hire LIM students post-graduation. To this day, I have worked personally with LIM interns and cross-functional partners and I can say with great confidence that they are amongst the most elite group.

I will forever be grateful for my time at LIM, as they never stop supporting students even once they have graduated. If I ever choose to change careers and need help finding a new job, LIM is there to help me. I have walked as part of the esteemed alumni at LIM's commencement and I feel great pride when I am on that stage.

The Governor's goals of ensuring access to a quality, affordable education are commendable – but his proposal would harm the very students it seeks to help.

Accordingly, I urge you to reject the Governor's proposed "For-Profit College Accountability Act" and ensure future students attending LIM College and other institutions like it can continue to attend the institutions that best serve their needs and support them on their pathway to successful careers.

Sincerely,
Lisa Michaelides

Lisa Michaelides
Visual Planning Associate, Tommy Hilfiger North America

Samantha Mellone

March 6, 2019

Andrea Stewart-Cousins - Leader, New York State Senate

Carl Heastie - Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins and Mr. Heastie,

As an alumna of LIM College Class of 2013, I write to express my concerns with the Governor's proposed For-Profit College Accountability Act.

I chose LIM College for its educational focus on the business of fashion and for the support it provides to its students. LIM College's academic curriculum and internship opportunities helped prepare me for the career I hoped to pursue. They coached me on my professional skills and helped build my network exponentially.

Today, I work as a digital strategist for Federici Brands.

"I'm proud to say that my employer, makes a point of seeking out LIM College students to fill its internship opportunities and has hired LIM students post-graduation.

The Governor's goals of ensuring access to a quality, affordable education is commendable – but his proposal would harm the very students it seeks to help. Accordingly, I urge you to reject the Governor's proposed "For-Profit College Accountability Act" and ensure future students attending LIM College and other institutions like it can continue to attend the institutions that best serve their needs and support them on their pathway to successful careers.

Sincerely,

Samantha Mellone

Digital Strategist, Federici Brands

Samantha Svorinich

March 11, 2019

Andrea Stewart-Cousins
Leader, New York State Senate
Carl Heastie
Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins and Mr. Heastie,

As an alumna of LIM College Class of 2016, I write to express my concerns with the Governor's proposed For-Profit College Accountability Act.

I chose LIM College for its educational focus on the business of fashion and for the support it provides to its students. LIM College's academic curriculum and internship opportunities helped prepare me for the career I hoped to pursue. Being the first person from my family to go to college gave me such great pride when receiving my diploma. Throughout my years at LIM College, they have been nothing but supportive in order to develop and transition into my career. LIM's goal is job security for students, whether it is around the clock help with resumes, or even teachers counseling at the end of class, they set you up for success. With that being said, LIM College led me to accomplishment my dream job as an Assistant Buyer for Burlington.

Today, I work as an Assistant Buyer for Burlington Stores

"I'm proud to say that my employer, Burlington, makes a point of seeking out LIM College students to fill its internship opportunities and has hired LIM students post-graduation.

The Governor's goals of ensuring access to a quality, affordable education are commendable – but his proposal would harm the very students it seeks to help.

Accordingly, I urge you to reject the Governor's proposed "For-Profit College Accountability Act" and ensure future students attending LIM College and other institutions like it can continue to attend the institutions that best serve their needs and support them on their pathway to successful careers.

Sincerely,

Samantha Svorinich
Assistant Buyer, Burlington

Stefani A. O'Sullivan

March 6, 2019

Andrea Stewart-Cousins
Leader, New York State Senate
Carl Heastie
Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins and Mr. Heastie,

As an alumna of LIM College Class of 2013, I write to express my concerns with the Governor's proposed For-Profit College Accountability Act.

I chose LIM College for its educational and professional focus on the business of fashion. The support it provides to its students and the access to the fashion industry, executives and high priority internships are unparalleled. LIM College's academic curriculum and internship opportunities prepared me for the career I currently have and only dreamed of back when I was a student. LIM helped me develop the personal and professional characteristics that make me the driven, detail oriented, curious and dedicated individual I am today.

I was hired as a full-time employee on the last day of my LIM College Senior Co Op internship at the most renown, global luxury fashion brand in the world – Chanel. I have since, after six years, moved to an up and coming technology e-commerce luxury retailer who is changing the way people shop runway fashion. I wouldn't be here today without LIM's guidance, support, professors and mentors.

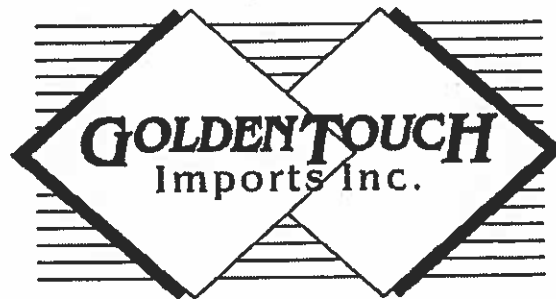
Today, I work at Moda Operandi managing Global Brand Marketing and Media. I'm proud to say that all of the companies I've had the pleasure of working for make a point of seeking out LIM College students to fill their internship opportunities because of their reputation within the industry.

The Governor's goals of ensuring access to a quality, affordable education are commendable – but his proposal would harm the very students it seeks to help.

Accordingly, I urge you to reject the Governor's proposed "For-Profit College Accountability Act" and ensure future students attending LIM College and other institutions like it can continue to attend the institutions that best serve their needs and support them on their pathway to successful careers. I hope you see this from my personal letter and the success I've had after LIM launched me into this industry.

Sincerely,

Stefani O'Sullivan
Manager, Brand Marketing
Moda Operandi



To: Andrea Stewart Cousins – Leader, New York State Senate
Carl Heastie – Speaker, New York State Assembly

Dear Ms. Stewart-Cousins and Mr. Heastie:

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

I write this letter on behalf of LIM College to express my serious concern regarding Governor's Cuomo's proposal known as the "For-Profit College Accountability Act" and the extremely negative impact it would have on the ability of New York's fashion business sector to recruit qualified employees.

I am the Chief Merchandising Officer of Golden Touch Imports and an LIM College alum. Founded in 1975, Golden Touch Imports is one of the largest apparel importers in the country. Based in New York, we serve the fashion industry globally which generates over \$50.8 billion dollars in the United States alone.

As an alum I know firsthand that LIM College offers its students a unique educational experience that exists nowhere else. My LIM College education prepared me for what is now my 36-year career in rewarding positions in the fashion industry with increasing levels of responsibility. I served on the College's Fashion Industry Advisory Board for many years and am currently a member of the College's Ambassador Group.

By imposing arbitrary restrictions that would make it virtually impossible for an institution such as LIM College to continue serving students, this proposal would not only have a significant negative impact on New York State's fashion business talent pipeline, but also on New York's capacity to sustain its reputation as a leader of fashion and design.

Most troubling in my mind is the Governor's proposed requirement that proprietary colleges (only) meet a requirement of 50% minimum expenditures for instruction in the form of faculty salaries, wages and benefits. The state wide average among degree-granting colleges is 22.4%. Colleges in areas where rent, repairs and other facility related expenses are very high – like LIM College whose campus is – appropriately - in New York City the fashion capital are particularly unfairly disadvantaged.

The fashion industry is one of New York State's largest fields of employment including textile production, apparel, manufacturing, wholesale and retail markets to name just a few. As our

industry continues to grow and evolve, fashion companies and organizations like Golden Touch Imports will naturally look to LIM College to provide qualified graduates to fill positions.

LIM College is a strong economic driver for one of New York State's most noted industries, as it is able to identify the needs of employers and to adapt and develop academic programs to meet those needs.

Therefore, I urge you to reject the Governor's proposal known as the "For-Profit College Accountability Act" in order to preserve LIM College as it is key to supplying the next generation of New York's fashion business professionals.

Sincerely,

Douglas Jakubowski
Chief Merchandising Officer
The Golden Touch Group

john varvatos

March 2, 2019

Andrea Stewart Cousins — New York State Senate
Carl Heastie — Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Andrea Stewart Cousins and Mr. Carl Heastie,

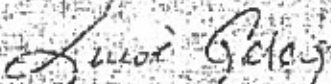
I write this letter on behalf of LIM College to express my grave concern regarding Governor Cuomo's proposal known as the "For-Profit College Accountability Act" and the extremely negative impact it would have on the ability of New York's fashion business sector to recruit qualified employees.

Based in New York, John Varvatos is an American international luxury men's lifestyle brand established in 1999. The John Varvatos company has had the opportunity to work with the students of LIM College as Interns. In addition, John Varvatos also employs numerous LIM students' post-graduation who have continued to work for the company for years.

By imposing arbitrary restrictions that would make it virtually impossible for an institution such as LIM College to continue serving students, this proposal would not only have a significant negative impact on New York State's fashion business pipeline, but also on New York's capacity to sustain its reputation as a bastion of fashion, culture and design. Together with the arts, fashion comprises one of New York State's largest fields of employment employing over 240,000 New Yorkers across a variety of industries, including textile production, apparel manufacturing, wholesale and retail museums and galleries, the visual and performing arts, and other industries crucial to New York State's economy.

LIM College is a strong economic driver for one of New York's most noted industries, as it is able to identify the needs of employers such as myself and adapt and develop academic programs to meet those needs. Therefore, I am strongly against your proposal known as the "For-Profit College Accountability Act" in order to preserve LIM College, as it is key to supplying the next generation of New York's fashion business professionals.

Sincerely,



Luisa Herrera Garcia

SVP of Production — John Varvatos Enterprise

ACCESSORIES COUNCIL



To: Andrea Stewart Cousins – New York Senate
Carl Heastie – Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

I write this letter on behalf of LIM College to express my serious concern regarding Governor's Cuomo's proposal known as the "For-Profit College Accountability Act" and the extremely negative impact it would have on the ability of New York's fashion business sector to recruit qualified employees.

Based in New York, The Accessories Council is a not-for-profit, international trade organization established in 1994. We represent over 300 member companies and organizations. Our mission is to stimulate global consumer awareness and demand for fashion accessory products. We serve the industry globally which generates over \$50.8 billion dollars in the United States alone.

LIM College offers its students a unique educational experience that exists nowhere else which is one of the reasons the Accessories Council has partnered with and supported the College and its students for many years. In fact, I served on their Fashion Industry Advisory Board for six years.

By imposing arbitrary restrictions that would make it virtually impossible for an institution such as LIM College to continue serving students, this proposal would not only have a significant negative impact on New York State's fashion business talent pipeline, but also on New York's capacity to sustain its reputation as a leader of fashion and design.

Most troubling in my mind is the Governor's proposed requirement that proprietary colleges (only) meet a requirement of 50% minimum expenditures for instruction in the form of faculty salaries, wages and benefits. The state wide average among degree-granting colleges is 22.4%. Colleges in areas where rent, repairs and other facility related expenses are very high – like LIM College whose campus is – appropriately - in New York City the fashion capital are particularly unfairly disadvantaged.

The fashion industry is one of New York State's largest fields of employment including textile production, apparel, manufacturing, wholesale and retail markets to name just a few. As our industry continues to grow and evolve, fashion companies and organizations like Accessories Council will naturally look to LIM College to provide qualified graduates to fill positions.

ACCESSORIES COUNCIL



LIM College is a strong economic driver for one of New York State's most noted industries, as it is able to identify the needs of employers and to adapt and develop academic programs to meet those needs.

Therefore, I urge you to reject the Governor's proposal known as the "For-Profit College Accountability Act" in order to preserve LIM College as it is key to supplying the next generation of New York's fashion business professionals.

Sincerely,

A handwritten signature in black ink that reads "Karen Giberson". The signature is written in a cursive, flowing style.

Karen Giberson
President & CEO

March 11, 2019

The Honorable Andrew M. Cuomo
Governor of New York State

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Governor Cuomo:

I write this letter on behalf of LIM College to express my grave concern regarding Governor Cuomo's proposal known as the "For-Profit College Accountability Act" and the extremely negative impact it would have on the ability of New York's fashion business sector to recruit qualified employees.

LCEL dba as CARMEN MARC VALVO, a high end Couture and RTW fashion designer based in New York City, has had the opportunity to work with the students of LIM College. Over the years we have had a continued relationship with LIM College. Every year we would use interns for the college to assist at our bi-annual fashion events and to provide assistance in our marketing and business offices. Most recently, we partnered with LIM College for two years to run a fashion show in which the students provided assistance in every area of the production.

By imposing arbitrary restrictions that would make it virtually impossible for an institution such as LIM College to continue serving students,, this proposal would not only have a significant negative impact on New York State's fashion business talent pipeline, but also on New York's capacity to sustain its reputation as a bastion of culture and design. Together with the arts, fashion comprises one of New York State's largest fields of employment – employing over 240,000 New Yorkers across a variety of industries, including textile production, apparel manufacturing, wholesale and retail markets, museums and galleries, the visual and performing arts, and other industries crucial to New York State's economy.^[1] With our sector projected to grow 20% over the next eight years, companies such as CARMEN MARC VALVO will naturally look to LIM College to provide qualified graduates to fill positions.

LIM College is a strong economic driver for one of New York's most noted industries, as it is able to identify the needs of employers such as myself and adapt and develop academic programs to meet those needs. Therefore, I urge you to reject the Governor's proposal known as the "For-Profit College Accountability Act" in order to preserve LIM College, as it is key to supplying the next generation of New York's fashion business professionals.

Sincerely,

Therese Hoarty

Manager, Customer Service and VIP Client Relations

[1] See Statewide Long-Term Industry Employment Projections 2016 – 2026, New York State Department of Labor, <https://labor.ny.gov/stats/lisproj.shtm>.

**BARNEYS
NEW YORK**

February 26, 2019

The Honorable Andrew M. Cuomo
Governor of New York State

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Governor Cuomo,

I write this letter on behalf of LIM College to express my grave concern regarding Governor Cuomo's proposal known as the "For-Profit College Accountability Act" and the extremely negative impact it would have on the ability of New York's fashion business sector to recruit qualified employees.

Barneys New York, an American chain of luxury department stores, has had the opportunity to work with the students of LIM College as interns. Barneys New York has also employed numerous LIM students after graduation who have continued to work for the company for years after.

By imposing arbitrary restrictions that would make it virtually impossible for an institution such as LIM College to continue serving students, this proposal would not only have a significant negative impact on New York State's fashion business pipeline, but also on New York's capacity to sustain its reputation as a bastion of fashion, culture and design. Together with the arts, fashion comprises one of New York State's largest fields of employment—employing over 240,000 New Yorkers across a variety of industries, including textile production, apparel manufacturing, wholesale and retail markets, museums and galleries, the visual and performing arts, and other industries crucial to New York State's economy^[1]. With our sector projected to grow 20% over the next eight years, companies such as Barneys New York will naturally look to LIM College to provide qualified graduates to fill positions.

LIM College is a strong economic driver for one of New York's most noted industries, as it is able to identify the needs of employers such as myself and adapt and develop academic programs to meet those needs. Therefore, I am strongly against your proposal known as the "For-Profit College Accountability Act" in order to preserve LIM College, as it is key to supplying the next generation of New York's fashion business professionals.

Sincerely,



Daniela Vitale
President/ Chief Executive Officer
Barneys New York

[1] See Statewide Long-Term Industry Employment Projections 2016 – 2026, New York State Department of Labor, <https://labor.ny.gov/stats/lisproj.shtm>



The fashion industry is one of New York State's largest fields of employment including textile production, apparel, manufacturing, wholesale and retail markets to name just a few. As our industry continues to grow and evolve, fashion companies will naturally look to LIM College to provide qualified graduates to fill positions.

LIM College is a strong economic driver for one of New York State's most noted industries, as it is able to identify the needs of employers and to adapt and develop academic programs to meet those needs.

Therefore, I urge you to reject the Governor's proposal known as the "For-Profit College Accountability Act" in order to preserve LIM College as it is key to supplying the next generation of New York's fashion business professionals.

Sincerely,

A handwritten signature in black ink that reads 'Brantusa Niro'. The signature is fluid and cursive, written over the printed name.

Brantusa Niro
Editor-in-Chief & CEO
Daily Front Row Inc.

Cormac Advisory Services, LLC
40 Harrison St, Suite 17D
New York, NY 10013
1.917.645.2625

Date: February 24, 2019

To: Andrea Stewart-Cousins – Leader, New York State Senate
Carl Heastie – Speaker, New York State Assembly

Dear Ms. Stewart-Cousins and Mr. Heastie

Re: Governor Cuomo's Proposed "For Profit College Accountability Act"

I write this letter on behalf of LIM College to express my grave concern regarding Governor Cuomo's proposal known as the "For Profit College Accountability Act" and the extremely negative impact it would have on the ability of New York's fashion business sector to recruit qualified employees.

Cormac Advisory Services (CAS) develops end-to-end men's and women's apparel specializing in contemporary or utility clothing and wearable technology integration with special emphasis in corporate social responsibility. CAS is a global advisory service in particular has had the opportunity to work with the students of LIM College as interns and/or after graduation. We are pleased to be able to participate LIM internship program because the students are well prepared to apply their 'learned' business skills in CAS projects.

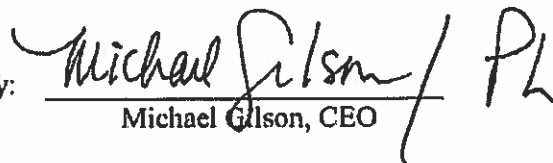
By imposing arbitrary restrictions that would make it virtually impossible for an institution such as LIM College to continue serving students, this proposal would not only have a significant negative impact on New York State's fashion business talent pipeline, but also on New York's capacity to sustain its reputation as a leader of fashion and design.

LIM College is a strong economic driver for one of New York State's most noted industries, as it is able to identify the needs of employers and to adapt and develop academic programs to meet those needs.

Therefore, I urge you to reject the Governor's proposal known as the "For-Profit College Accountability Act" in order to preserve LIM College as it is key to supplying the next generation of New York's fashion business professionals.

Truly yours,
Cormac Advisory Services, LLC.

By:


Michael Gilson, CEO



EVINS^{sct}

February 22, 2019

Andrea Stewart Cousins – New York State Senate
Carl Heastie – Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart Cousins and Mr. Heastie:

I write this letter on behalf of LIM College to express my grave concern regarding Governor Cuomo's proposal known as the "For-Profit College Accountability Act" and the extremely negative impact it would have on LIM College and its students.

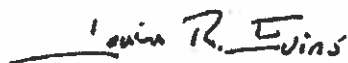
EVINS Communications, based in New York City for over thirty years, consults daily with all major print and digital media outlets. EVINS is known for Brand Growth and Crisis Communications. We have worked very closely with LIM, for ten years, on their invaluable internship program as well as adding expertise to the multi media and communication academic programs.

LIM College offers its students a unique educational experience that exists nowhere else which is one of the reasons that EVINS has partnered with and has supported the college and its students for many years. By imposing arbitrary restrictions that would make it virtually impossible for an institution such as LIM College to continue serving students, this proposal would not only have a significant negative impact on New York State's fashion business talent pipeline, but also on New York's capacity to sustain its reputation as a leader of fashion and design.

Most troubling in my mind is the Governor's proposed requirement that proprietary colleges (only) meet a requirement of 50% minimum expenditures for instruction in the form of faculty salaries, wages and benefits. The state-wide average among degree-granting colleges is 22.4%. Colleges in areas where rent, repairs and other facility related expenses are very high – like LIM College whose campus is – appropriately – in New York City the fashion capital are particularly unfairly disadvantaged.

LIM College is a strong economic driver for one of New York's most noted industries, as it is able to identify the needs of employers such as myself and adapt and develop academic programs to meet those needs. Therefore, I urge you to reject the Governor's proposal known as the "For-Profit College Accountability Act" in order to preserve LIM College, as it is key to supplying the next generation of New York's fashion business professionals.

Sincerely,



Louise R. Evins
CEO, EVINS Communications, Ltd.

830 Third Avenue

New York, NY 10022

212.688.8200

www.evins.com

From: Dan Evans dan@wests.design
Subject:
Date: March 20, 2019 at 12:35 PM
To:



wests®

March 20, 2019

To: Andrea Stewart Cousins – Leader, New York State Senate
Carl Heastie – Speaker, New York State Assembly

Dear Ms. Stewart-Cousins and Mr. Heastie:

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

I write this letter on behalf of LIM College to express my serious concern regarding Governor's Cuomo's proposal known as the "For-Profit College Accountability Act" and the extremely negative impact it would have on the ability of New York's fashion business sector to recruit qualified employees.

I am the past president of Goldsmith Mannequins NYC of 13 years, now the Managing Partner & EVP of Wests Design UK & NYC, and a LIM College Advisory Board Member since 2003. Throughout my 40+ year career in the fashion industry, I have had the opportunity to work directly with LIM College students as interns and assist them finding employment after they graduate. I know firsthand that LIM College offers its students a unique educational experience that exists nowhere else.

By imposing arbitrary restrictions that would make it virtually impossible for an institution such as LIM College to continue serving students, this proposal would not only have a significant negative impact on New York State's fashion business talent pipeline, but also on New York's capacity to sustain its reputation as a leader of fashion and design.

Most troubling in my mind is the Governor's proposed requirement that proprietary colleges (only) meet a requirement of 50% minimum expenditures for instruction in the form of faculty salaries, wages and benefits. The state wide average among degree-granting colleges is 22.4%. Colleges in areas where rent, repairs and other facility related expenses are very high – like LIM College whose campus is – appropriately – in New York City the fashion capital are particularly unfairly disadvantaged.

The fashion industry is one of New York State's largest fields of employment including textile production, apparel, manufacturing, wholesale and retail markets to name just a few. As our industry continues to grow and evolve, fashion companies and organizations like Goldsmith and Wests Design will naturally continue look to LIM College to provide qualified graduates to fill positions.

From: Dan Evans dan@wests.design
Subject:
Date: March 20, 2019 at 12:35 PM
To:



LIM College is a strong economic driver for one of New York State's most noted industries, as it is able to identify the needs of employers and to adapt and develop academic programs to meet those needs.

Therefore, I urge you to reject the Governor's proposal known as the "For-Profit College Accountability Act" in order to preserve LIM College as it is key to supplying the next generation of New York's fashion business professionals.

Sincerely,

Dan Evans, IIDA
Managing Partner & EVP
West's Design

West's Design Consultants Head Office
The Granary, Grange Farm, Harewood Park Estate, Harewood End, Hereford HR2 8JS, United Kingdom
Tel : +44(0) 1989 730 412

West's Design Consultants USA Office
174 Hudson Street, New York City, NY 10013, United States of America
Tel : 212 835 0625

Visit www.westsdesign.com for more information



Specialty Store Merchandising and Business Development

To: Andrea Stewart Cousins – Leader, New York State Senate
Carl Heastie – Speaker, New York State Assembly
Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins and Mr. Heastie:

I write this letter on behalf of LIM College to express my serious concern regarding Governor's Cuomo's proposal known as the "For-Profit College Accountability Act" and the extremely negative impact it would have on the ability of New York's fashion business sector to recruit qualified employees.

I am the Founder of JW Merchandising and a LIM College alum. Throughout my 25+year career in the fashion industry, I have had the opportunity to work with LIM College students as interns and to hire them after they graduate. I know firsthand that LIM College offers its students a unique educational experience that exists nowhere else.

By imposing arbitrary restrictions that would make it virtually impossible for an institution such as LIM College to continue serving students, this proposal would not only have a significant negative impact on New York State's fashion business talent pipeline, but also on New York's capacity to sustain its reputation as a leader of fashion and design.

Most troubling in my mind is the Governor's proposed requirement that proprietary colleges (only) meet a requirement of 50% minimum expenditures for instruction in the form of faculty salaries, wages and benefits. The state wide average among degree-granting colleges is 22.4%. Colleges in areas where rent, repairs and other facility related expenses are very high – like LIM College whose campus is – appropriately - in New York City the fashion capital are particularly unfairly disadvantaged.

The fashion industry is one of New York State's largest fields of employment including textile production, apparel, manufacturing, wholesale and retail markets to name just a few. As our industry continues to grow and evolve, fashion companies and organizations like JW Merchandising will naturally look to LIM College to provide qualified graduates to fill positions.

LIM College is a strong economic driver for one of New York State's most noted industries, as it is able to identify the needs of employers and to adapt and develop academic programs to meet those needs. Therefore, I urge you to reject the Governor's proposal known as the "For-Profit College Accountability Act" in order to preserve LIM College, as it is key to supplying the next generation of New York's fashion business professionals.

Sincerely,

A handwritten signature in cursive script that reads 'Jacqui'.

Jacqui Wenzel
President



To: Andrea Stewart Cousins – New York Senate
Carl Heastie – Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

I write this letter on behalf of ABG and in support of LIM College to express my serious concern regarding Governor's Cuomo's proposal known as the "For-Profit College Accountability Act" and the extremely negative impact it would have on the ability of New York's fashion business sector to recruit qualified employees.

Authentic Brands Group (ABG) is a global brand owner, marketing and entertainment company. Headquartered in New York City, ABG manages, elevates and builds long-term brand value by partnering with an expansive network of best-in-class manufacturers, operators and retailers. Its portfolio, which generates nearly \$9 billion in global retail sales annually, includes some of the world's most iconic brands including Marilyn Monroe, Elvis Presley, Nautica, Aéropostale, Juicy Couture, Vince Camuto, Nine West, Spyder, Thomasville and more.

LIM College offers its students a unique educational experience that exists nowhere else which is one of the reasons ABG has partnered with and supported the College and its students for many years. In fact, I have served on their Fashion Industry Advisory Board for seven years.

By imposing arbitrary restrictions that would make it virtually impossible for an institution such as LIM College to continue serving students, this proposal would not only have a significant negative impact on New York State's fashion business talent pipeline, but also on New York's capacity to sustain its reputation as a leader of fashion and design.

Most troubling in my mind is the Governor's proposed requirement that proprietary colleges (only) meet a requirement of 50% minimum expenditures for instruction in the form of faculty salaries, wages and benefits. The state-wide average among degree-granting colleges is 22.4%. Colleges in areas where rent, repairs and other facility related expenses are very high – like LIM College whose campus is – appropriately – in New York City the fashion capital are particularly unfairly disadvantaged.

The fashion industry is one of New York State's largest fields of employment including textile production, apparel, manufacturing, wholesale and retail markets to name just a few. As our industry continues to grow and evolve, fashion companies and organizations like ABG will naturally look to LIM College to provide qualified graduates to fill positions.

LIM College is a strong economic driver for one of New York State's most noted industries, as it is able to identify the needs of employers and to adapt and develop academic programs to meet those needs.

Therefore, I urge you to reject the Governor's proposal known as the "For-Profit College Accountability Act" in order to preserve LIM College as it is key to supplying the next generation of New York's fashion business professionals.

Sincerely,

A handwritten signature in black ink, appearing to read 'N Woodhouse', is written over the word 'Sincerely,'.

Nicholas Woodhouse
President & CMO
Authentic Brands Group LLC

To: Andrea Stewart Cousins – Leader, New York State Senate
Carl Heastie – Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

I am writing this letter in support of LIM College to express my serious concern for Governor Cuomo's proposal known as "For-Profit College Accountability Act" and the severely negative impact it would have on the ability of New York's fashion business sector to recruit qualified employees.

I am currently President of Max Studio, a leading apparel maker with offices in New York. I am involved with LIM as a member of the Advisory Board, as a mentor, as well as, a sponsor of the internship program at this college.

The proposed restrictions would make it seemingly impossible to serve students and would thus, impact the pipeline for new talent that is the lifeblood for this important industry in our state.

It is especially troubling that the Governor's proposal includes provision that proprietary colleges meet a requirement of a 50% minimum expenditure for instruction in the form of faculty salaries. This is so far above current average and certainly not realistic for institutions as LIM, where its New York City based expenses are considerably higher.

I know that the fashion industry is a major field of employment for New York State. As we strive to grow and evolve, companies look to institutions as LIM College to provide the next generation for this growth.

In summary, I ask that you reject the governor's proposal in order to preserve the role of LIM College as key support for our industry.

Sincerely,

A handwritten signature in black ink that reads "Robert Bronstein" followed by a stylized flourish or initials.

Robert Bronstein
President
Max Studio



March 6, 2019

**Andrea Stewart Cousins- Leader, New York State Senate
Carl Heastie- Speaker, New York State Assembly**

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins and Mr. Heastie:

I write this letter on behalf of LIM College to express my concern regarding Governor Cuomo's proposal known as the "For-Profit College Accountability Act" and the negative impact it would have on the ability of New York's fashion business sector to recruit qualified employees.

I am President of Roman & Sunstone, a division of iStar Group, a premier leader of fine, bridge, and costume jewelry. We design, develop, manufacture, and produce both private label and brands across all tiers of retail, including department stores, specialty stores, and mass merchants. With headquarters in New York we serve the fashion industry globally, which generates over \$50.8 billion in the United States alone.

LIM College offers its students a unique educational experience that exists nowhere else, which is one of the reasons Roman & Sunstone has partnered with and supported LIM and its students for several years.

By imposing arbitrary restrictions that would make it virtually impossible for institutions like LIM College to continue serving students, this proposal would not only have a significant negative impact on New York State's fashion business talent pipeline, but also on New York's capacity to sustain its reputation as a leader of fashion and design.

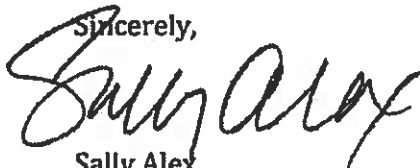
Most troubling is the Governor's proposal that proprietary college (only) meet a requirement of 50% minimum expenditures for instruction in the form of faculty salaries, wages and benefits. The statewide average among degree-granting colleges is 22.4%. Colleges in areas where rent, repairs, and related expenses are very high—like LIM College, whose campus is in New York City are particularly unfairly disadvantaged.

The fashion industry is one of New York State's largest fields of employment, including textile production, apparel, manufacturing, wholesale and retail markets to name just a few. As our industry continues to grow and evolve, fashion companies like ours will naturally continue to look to LIM to provide qualified graduates to fill positions.

LIM College is a strong economic driver for one of New York State's most noted industries, as it is able to identify the needs of employers and to adapt and develop academic programs to meet those needs.

Therefore I urge you to reject the proposed "For-Profit College Accountability Act" in order to preserve LIM College, as it is key to supplying the next generation of New York's fashion business professionals.

Sincerely,

A handwritten signature in black ink, appearing to read "Sally Alex". The signature is written in a cursive, flowing style.

Sally Alex
President
Roman & Sunstone

To: Andrea Stewart Cousins – Leader, New York State Senate
Carl Heastie – Speaker, New York State Assembly

Dear Ms. Stewart-Cousins and Mr. Heastie:

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

I write this letter on behalf of LIM College to express my serious concern regarding Governor's Cuomo's proposal known as the "For-Profit College Accountability Act" and the extremely negative impact it would have on the ability of New York's fashion business sector to recruit qualified employees.

I am Senior Vice President of Licensing, Merchandising and Sales for Chateau International Inc., one of the largest independent manufacturers in the Fashion Accessory Industry. We manufacture product for some of the largest mid and mass tier retailers in the country, including Macy's, Urban Brands, Tjx Companies, Ross Stores and Burlington among others. I coach Lim students as an industry advisor, and speaking as a 30 year industry professional, LIM students are some of the best prepared compared to other accredited colleges. The Fashion Industry is in a constant state of evolution, and the leadership at LIM has kept ahead of curve in preparing students for careers in the industry. I look to hire LIM students whenever possible because of this.

By imposing arbitrary restrictions that would make it virtually impossible for an institution such as LIM College to continue serving students, this proposal would not only have a significant negative impact on New York State's fashion business talent pipeline, but also on New York's capacity to sustain its reputation as a leader of fashion and design.

Most troubling in my mind is the Governor's proposed requirement that proprietary colleges (only) meet a requirement of 50% minimum expenditures for instruction in the form of faculty salaries, wages and benefits. The state wide average among degree-granting colleges is 22.4%. Colleges in areas where rent, repairs and other facility related expenses are very high – like LIM College in New York City, are particularly unfairly disadvantaged under this proposal.

The fashion industry is one of New York State's largest fields of employment including textile production, apparel, manufacturing, wholesale and retail markets to name just a few. As our industry continues to evolve at a record pace, fashion companies like

Chateau will continue to look to LIM College to provide qualified graduates to fill positions.

LIM College is a strong economic driver for one of New York State's most noted industries, as it is able to identify the needs of employers and to adapt and develop academic programs to meet those needs.

Therefore, I urge you to reject the Governor's proposal known as the "For-Profit College Accountability Act" in order to preserve LIM College as it is key to supplying the next generation of New York's fashion business professionals.

Sincerely,



Name: Mark Donatiello

Title: Senior Vice President Licensing, Merchandising and Sales

Organization: Chateau International Inc.

330 Fifth Avenue- 6th floor

New York, NY. 10001

GAIL E. ROTHWELL
261 HUDSON STREET PH2L
NEW YORK, NEW YORK 10013
917.885.9954

March 6, 2019

To: Andrea Stewart-Cousins - Leader, New York State Senate
Carl Heastie - Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins & Mr. Heastie,

As a member of the Board of Directors of LIM College, I write to express my concerns with the Governor's proposed For-Profit College Accountability Act. I have served LIM College in this role for over 12 years.

I am also a proud graduate of LIM College - Class of 1971, which has afforded me over 40 years in the Fashion business in many capacities - starting on a major industry training program at A&S in Brooklyn, NY and then moving through the retail industry for Macy's and Federated Corporations as a buyer, divisional merchandiser, and then general merchandiser. Later on changing careers into the women's wholesale footwear business for Fisher Camuto and Nine West Group, holding positions as VP and later on as President of Nine West - a \$200M business. After leaving Nine West I opened a women's retail designer business in East Hampton, NY in 2007 - Gail Rothwell Ltd - and I was able to hire an LIM graduate from the Class of 2006 as a buyer.

LIM College gave me the education and the tools to launch my successful career in the fashion business. Every year, at the LIM College graduation, I look at these students and I know and understand why they choose to attend the College. With my background, I believe it is most important to help guide these students to reach their goals.

My experience also allows me to see that the Governor's proposal would not advance these students' educational goals and opportunities; rather, it would undermine LIM College's ability to provide these students with crucial student services and would potentially interrupt these students' educations with permanent negative effects.

Accordingly, I urge you to reject the Governor's proposed "For-Profit College Accountability Act" and preserve institutions like LIM College that expand access to higher education and a path to a better life for some of New York's most underserved populations.

SINCERELY,

GAIL E. ROTHWELL

Jay R. Horowitz, CPA
7550 Glendevon Lane
Delray Beach, Florida 33446
917-596-3746 | taxingjay@aol.com

March 20, 2019

To: Andrea Stewart-Cousins – Leader, New York State Senate
Carl Heastie – Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins & Mr. Heastie

As a member of the Board of Directors of LIM College, I write to express my concerns with the Governor's proposed For-Profit College Accountability Act. I have served LIM College in this role for over five years and prior to my time on the Board I worked with the College for many years in a different capacity as an independent auditor. In fact, I have over 40 years of experience in New York as a certified public accountant (CPA), business owner, and tax preparer. I choose to serve LIM College because I have seen first-hand how the College maintains a high degree of integrity and ethics in its business practices. I have also observed for many years how the College's focus on experiential education and relevant business skills has consistently led to strong career outcomes for its graduates. My experience gives me insight into the lives of LIM College's students – I understand why they choose to attend LIM College and how the College can best support them in achieving their goals.

My experience also allows me to see that the Governor's proposal would not advance these students' educational goals and opportunities; rather, it would undermine LIM College's ability to provide these students with crucial student services and would potentially interrupt these students' education with permanent negative effects. LIM College is widely recognized in the fashion industry as being a leader in fashion business education, providing top talent and helping to support the economic development of one of New York's most important industries. The Governor's proposal runs counter-intuitive to all that is right in supporting innovation in higher education and in promoting a highly skilled and in-demand workforce that keeps jobs in New York State.

Accordingly, I urge you to reject the Governor's proposed "For-Profit College Accountability Act" and preserve institutions like LIM College that expand access to higher education and a path to a better life for some of New York's most underserved populations.

Sincerely,


Jay R. Horowitz, CPA

Patty Farmer

March 6, 2019

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins & Mr. Heastie,

As a member of the Board of Directors of LIM College, I write to express my concerns with the Governor's proposed For-Profit College Accountability Act. I have served LIM College as a Board member for 7 years, and have mentored two students each year while in this position. I have kept in touch, been there to offer advice and guidance, and followed the careers of each one. Perhaps, more importantly, I was a student and graduate of LIM (1976) College. Because of my education and on-going post graduate guidance, I was confident enough to open my own retail store specializing in maternity apparel. Over 16 years, I grew my business to a small chain of 4 stores serving Southern California.

My experience gives me unique in-sight into the lives of LIM students. Their reasons for choosing LIM are the same as mine were. We wanted to get the best education possible, in a field we love, and even more than that, we wanted to parlay those years into a lifelong career. There are many reasons the college has a high amount of students graduating with jobs, including our internships which have been said to be a standard for the industry.

The Governor's proposal *would not* advance students educational goals or opportunities in any way, but rather will undermine LIM's ability to provide students with the crucial student services that allowed me personally to flourish.

As a Broad member, a graduate, and a mentor, I have insight into not only how the school is managed but what the students gain from their education. I was a young 18 year, trying to make ends meet when I enrolled in LIM. It is because of their training, and continuing support, that I was able to reach the pinnacles I have.

I urge you to reject the Governor's proposed "For-Profit College Accountability Act" and preserve institutions like LIM that expand access to higher education and a path to a better life for some of New York's most underserved communities.

Sincerely,



Patty Farmer

Board Member, Business Woman, Author

1001 Avenida Pico # C632, San Clemente, California 92673

Rosalind S. Neff
Executive Director, The Auldridge Fund
1225 Farview Road, Villanova, PA 19085

March 7, 2019

To: Andrea Stewart-Cousins – Leader, New York State Senate
Carl Heastie – Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins & Mr. Heastie:

For more than 10 years I have been a member of the Board of Directors of LIM College, a New York college which educates students in the global business of fashion and its many related industries. I am writing to express my concerns with the Governor's proposed For-Profit College Accountability Act, as it holds for-profit colleges to higher standards than their not-for-profit competitors. Furthermore, the proposed act does nothing to ensure that not-for-profit colleges prepare their students for the job market. I will give evidence below that LIM College admirably accomplishes this goal.

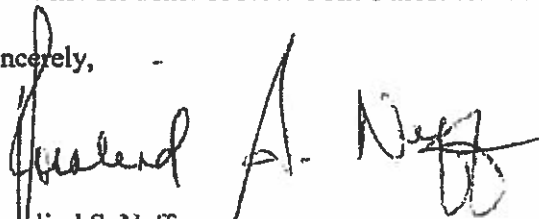
I am the executive director of the Auldridge Fund, a charitable foundation, and have served on the Boards of Directors (and in other capacities) of the Jewish Federation of Greater Philadelphia, and Jewish Family and Children's Service, two organizations which serve both Jews and non-Jews, often those who are finding challenges when they try to enter the job market. My experience gives me insight into why students seek out places at LIM College and the value that the College provides.

For one thing, LIM College takes great pride in measuring and recording the success of our graduates. The College recently surveyed those who graduated in 2018. Of 299 graduates we received 284 responses about their employment situation, a response rate which highlights the engagement of LIM College and its alumni. The survey showed that 93% of respondents seeking employment were employed at the time they were surveyed, and for those who reported compensation, the average salary was within the range of \$35,000-\$40,000. This underscores the economic value that we contribute as a for-profit college. Finally let it be said that 216 of the surveyed graduates work in the State of New York. I hope this reflects our commitment to (and dependence on) the State.

My experience in the non-profit sphere, along with these survey results, causes me to conclude that the Governor's proposal would not advance our students' educational goals and opportunities; rather, it would undermine LIM College's ability to provide our students with crucial services and would potentially interrupt these students' educations with permanent negative effects.

Accordingly, I urge you to reject the Governor's proposed "For-Profit College Accountability Act" and preserve institutions like LIM College that expand access to higher education and a path to a better life for some of New York's most underserved populations.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosalind S. Neff". The signature is written in a cursive style with a large, sweeping initial "R".

Rosalind S. Neff
Executive Director, The Auldridge Fund

SPP CAPITAL PARTNERS

March 8, 2019

To: Andrea Stewart-Cousins – Leader, New York State Senate
Carl Heastie – Speaker, New York State Assembly

Re: Governor Cuomo’s Proposed “For-Profit College Accountability Act”

Dear Ms. Stewart-Cousins & Mr. Heastie

As a member of the Board of Directors of LIM College, I write to express my concerns with the Governor’s proposed For-Profit College Accountability Act. I have served LIM College in this role since 2017. I am also the Managing Partner for SPP Capital Partners LLC (“SPP”), a New York based investment bank and direct lender. In its 30-year history, SPP has executed more than \$24 billion comprised of more than 550 distinct transactions; the firm has considerable experience in the for-profit education sector, as well as fashion, retail, and consumer products. All of my formal education has been in New York State. I am a graduate of Colgate University, as well the Cornell University Law School. Though I serve on a number of boards, public, private, and charitable, my role on the LIM Board (and as a member of its Finance Committee) is my most cherished, and where I sincerely believe my efforts have the most significant and profound impact on our community, New York State, and the next generation of entrepreneurs in the business of fashion.

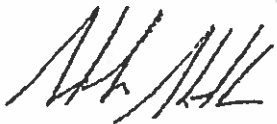
As an individual who came from relatively modest means myself, but with the benefit of a quality education and professors committed to my academic and professional growth, I think I have a pretty good handle on why our students choose to attend LIM College, and how we can guide them to a promising future in the real business of the fashion industry. More importantly, we have a unique capacity to immerse our students in the fashion community; not only providing them a superior educational experience, but also empowering them professionally, and in most cases, helping to guide them to their first full time industry position as well as putting them on a pathway to future career progression. To fully appreciate the diversity of the LIM student population, and the energy and vitality of our extraordinary students, I would invite you to come to our commencement ceremony on May 24th. You will bear witness to lives being actualized in real time— where the aspirations and dreams of families are celebrated. You will understand exactly why the mission of LIM is so critical, and why the Governor’s proposal, which would undermine that mission, is so misplaced.

Whatever positive intent is behind the Governor’s proposal, its practical application would be devastating to our student body, nor would it advance these students’ educational goals and opportunities. To the contrary, it would subvert LIM’s ability to provide these students with crucial student services and would potentially, deny them the future they are rightfully entitled.

340 MADISON AVENUE, 10TH FLOOR, NEW YORK, NEW YORK 10173
212-455-4500 FAX: 212-455-4545

Accordingly, I sincerely implore you to expressly reject the Governor's proposed "For-Profit College Accountability Act" and preserve institutions like LIM College. Don't prevent us from providing some of New York's most underserved populations with the access to higher education and a path to a better life.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stefan Shaffer', written in a cursive style.

Stefan Shaffer
Managing Partner
SPP Capital Partners, LLC

WILLIAM J. BORNER
334 West 86th Street
New York, New York 10024
(212) 595-2821

March 9, 2019

The Hon. Andrea Stewart-Cousins – Leader, New York State Senate
The Hon. Carl Heastie – Speaker, New York State Assembly

Re: Governor Cuomo's Proposed "For-Profit College Accountability Act"

Dear Ms. Stewart-Cousins and Mr. Heastie:

I write to express my opposition to Governor Cuomo's For-Profit College Accountability Act as currently proposed. I have been a member of the Board of Directors of LIM College for almost fifteen years, and have served as the Chair of the Board since 2012. I have also had the pleasure of serving on the boards of several other for-profit and not-for-profit institutions. In addition, I have practiced law in New York State for thirty-five years.

I choose to serve the LIM College community because I believe so strongly in the mission of the school and the important niche that it has filled in New York for more than 75 years. Like many New York State for-profit colleges, we provide a vital and unique pathway for our students to gain access to and thrive in the occupational sectors they are passionate about. The education LIM College provides for students who want to pursue a career in the business of fashion, and in particular the central role that experiential learning plays in it, allows over 92% of our students to find jobs in their chosen field within twelve months of graduation. From there, armed with their LIM education, our grads' careers take off and they achieve great success. If you would like more proof of the amazing heights to which our students have soared, I would be happy to provide it.

My many years of experience gives me some insight into the lives of LIM College's students. Many of our students are the first in their families to attend college. For all of our students, their attendance and success at LIM is a group effort, in which the students, their families, and LIM all play an important role in making sure that the dreams of the students and their supporters are fulfilled. Without LIM College, the dreams of these students to pursue careers in the business of fashion will not just be deferred, but in all likelihood quashed. These students and their families cannot afford to travel outside of New York to gain an education in the fashion business. We should be doing everything we can to support these students (and their families) as part of their plan to reach their educational and professional passions, rather than restricting access to higher education and a path to a better life for some of New York's most underserved populations.

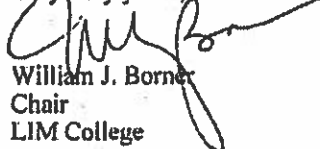
Governor Cuomo's proposal would not advance these students' educational goals and opportunities. To the contrary, it would undermine LIM College's ability to provide these students with crucial student services and would potentially interrupt these students' educations and careers.

For these reasons, I urge you to reject Governor Cuomo's proposed "For-Profit College Accountability Act" and help to preserve institutions like LIM College that expand access to.

If you have any doubt about the incredible value being added by LIM College, and the misguided nature of the Governor's proposal, I urge you not to just take my word for it. I invite you to visit the College for just one hour. I am confident that is all it will take for you to see the difference we are making in these students' lives, the opportunities being provided, and the harm that will surely result if Governor Cuomo's "For-Profit College Accountability Act" is enacted.

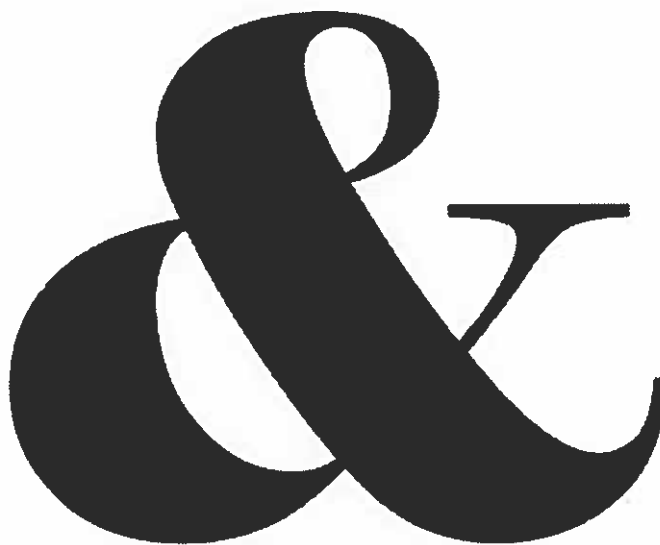
If you have any questions in this regard, please do not hesitate to contact me at the telephone number listed above.

Very truly yours,


William J. Borner
Chair
LIM College

TESTIMONY OF BRYANT & STRATTON COLLEGE

APRIL 10, 2019



Bryant & Stratton College

FOR EVERY & IN LIFE

TESTIMONY PROVIDED BY BRYANT & STRATTON COLLEGE

Thank you Senator Stavisky and other esteemed Senators of the New York State Senate Higher Education Committee. On behalf of Bryant & Stratton College's community of students, graduates, employers, faculty, board members, and professional staff, I thank you for this opportunity to present this testimony.

My name is Dr. Francis Felser. I am the President and CEO of Bryant & Stratton College, where I have served for almost 30 years in a number of institutional capacities. I am also proud to be a Commissioner at the Middle States Commission on Higher Education.

My testimony will focus on how Bryant & Stratton College offers a unique approach to educating and serving our students, graduates, and employers in Upstate New York, primarily in Buffalo, Rochester, Syracuse, and Albany.

Who is Bryant & Stratton College and Why do Students Choose to Attend?

Bryant & Stratton College was founded in Buffalo, New York in 1854. Since its inception, the College has been preparing students for the modern workplace – and while that workplace has continuously evolved over the last 165 years, the College's dedication to its students has remained unwavering.

Within New York, we have eight campuses and one extension center in Buffalo, Rochester, Syracuse, and Albany. The College has also been accredited by the Middle States Commission on Higher Education (3624 Market Street, Philadelphia, PA 19104, 267-284-5000) since 2002. Our mission is to offer a personalized career education and experience leading to a high-demand profession so graduates are prepared for career and life pursuits.

Our typical student is an African American (41%) or Caucasian (41%) woman (81%) who is in her late twenties (47%) or early thirties (15%) and who is a non-traditional (86%) student pursuing her associate's degree (72%) in either medical assisting, medical reimbursement and coding, business, general management, or medical administrative assisting. Our research tells us that our students, after being away from high school for as many as 10 years, are now aspiring to a particular life pursuit; a college credential and career is the gateway to achieving that pursuit. Over 70% of students who have attended Bryant & Stratton College have attempted higher education elsewhere, and interestingly, of that 70%, almost 80% have previously attended a community college.

So why do our students attend Bryant & Stratton College instead of a taxpayer subsidized community college?

First, academic programs at Bryant & Stratton College lead to careers in New York's fastest-growing occupations requiring an associate degree or less. Programs where graduates' salaries are commensurate with the amount of time and moneys invested by the student. Bryant & Stratton College's dual approach to academic and career pursuits, including a theory-based but workplace-application approach to liberal arts, ensures students learn not only content and technique, but also the soft skills required to succeed in the workforce. In addition, we arrange internships for all

academic programs and coordinate proactive employment outreach to ensure students have significant employment opportunities upon graduation.

Secondly, Bryant & Stratton College develops faculty members to be educators in addition to content experts. Higher education regulation and academic convention generally favors content experts over educators. Typically, good teachers learn educational competence, skills, and techniques in teaching programs that usually lead to careers in elementary and secondary education, not higher education. Unfortunately, many first-time college students are not sufficiently prepared for postsecondary learning without the benefit of content experts who are also developed as educators. Bryant & Stratton College faculty, especially those who teach first- and second-semester courses, are exposed to education theory and the guiding tenants of good instruction through a 10-module faculty development program, which is supported by once-a-semester faculty in-services. The result is a more engaging faculty leading a more active-learning instructional environment.

Thirdly, and perhaps most importantly, Bryant & Stratton College, through our educator-trained faculty, teaches our students in the first semester of study to learn how to be postsecondary learners. Grounded in education research as best practice, this scaffold approach to learning fosters in first-semester students the capability to acquire never-learned-before study skills and cognitive abilities necessary for learning more advanced content in later semesters. In this first semester, faculty guide students to dissect and break down information into small pieces with a focus on consistent and frequent review and repetition of material to master the knowledge, skills, and behaviors to assure academic success. Supplementing the faculty are professional staff who provide one-on-one student outreach services, which maximize student persistence leading to graduation.

These focused efforts and one-on-one supports are necessary given the challenges faced by our students in Upstate New York. Public school districts in each of our communities are unfortunately the poorest in the state. According to the latest U.S. Census data, more than half of the children living in the Rochester City School District live below the poverty line – ranking second in the nation. In Buffalo, which ranks fourth in the nation on this inauspicious list, the youth poverty rate is over 47%. High school graduation rates in 2017 average less than 64% among what are considered the state’s “high-need large city districts” of Buffalo, Rochester, Syracuse and Yonkers – only one of those districts outside of markets we serve.

Bryant & Stratton is not only committed to students of our college, but we are also working daily to positively impact high school students across these challenging New York State markets. Through partnerships with secondary and high schools, we are working to change students’ lives for the better:

- Bryant & Stratton offers Jump Start classes, in which high school students have the opportunity to take college courses at all eight of our locations across the state;
- Pathways is a 13-year partnership of ours with the Buffalo Public Schools Adult Education Division that has been providing students with opportunities to improve their math, English, and reading skills;
- In Albany, Bryant & Stratton partners with BOCES to provide GED preparation classes;

- Since 2011, we partnered with the Lancaster Central School System to provide college preparation assistance to nearly 400 graduating seniors annually at Lancaster High School. The program offers Bryant & Stratton's ENGL 101: Research and Writing 1 in a weekly workshop format. Two Bryant & Stratton liberal arts faculty members meet with these high school students in 40-minute sessions, during which they experience a typical college composition classroom.
- At South Park High School in Buffalo, Bryant & Stratton is an integral part of the school's Community Engagement Team; we offer classroom support to enhance the college readiness of the school's students, provide opportunities for assistance with college applications and financial aid forms; provide health and wellness support to the school's staff; and participate actively in school events.

Students in Associate Degree Programs Deserve a Choice Too

According to the U.S. Bureau of Labor Statistics, a majority of the fastest-growing occupations, such as a medical assistant, physical therapist assistant, and occupational therapy assistant, require an associate degree or less. There are over 57 colleges and universities in Upstate New York, all focused on professions requiring baccalaureate-level degrees or advanced credentials. While students in these communities have ample choices for academic programs that will prepare them to become teachers, pharmacists, lawyers, engineers, physical therapists, and doctors, there are very limited choices for those who wish to enter occupations requiring an associate degree or less: they can pursue a degree with either a community college or Bryant & Stratton College. In some regions of New York State, Bryant & Stratton College is the only institution offering academic programs in these career areas.

Bryant & Stratton is proud of our record of helping students achieve success – and New York State and its lawmakers should be, too. In 1973, New York State adopted a regulatory framework that holds all degree-granting institutions of higher education, including Bryant & Stratton, to the same rigorous standards of accountability.

Regardless of whether an institution is public, non-profit or for-profit, or whether it caters to students from a particular end of the socioeconomic spectrum, the New York State Education Department undertakes a meticulous review of every academic program offered by each and every institution of higher education.

Before granting approval to enroll students, the State Education Department evaluates each academic program's curriculum, teaching faculty, the demand for and saturation of such academic programs by employers and in the community, and the overall success of the institution.

New York State's uniform standards and focus on program quality has made the State a leader in higher education, and it has served New York's institutions and their students, including Bryant & Stratton and our students, incredibly well for nearly half a century.

Confluence of Student Access and Choice to Support Workforce Development

The result is that students who had not previously succeeded at another college have now graduated and are productive taxpaying New York State workers. The majority of Bryant & Stratton College graduates remain and work in the communities where their respective campus is located.

The College is proud of our 1,000 students who graduate every year in New York State. We have dozens of employer testimonials supporting our contributions to workforce development across Upstate New York (see Attachment A). For example, Darcy Pautz, Medical Office Manager at Rochester Regional Health, stated:

“Bryant & Stratton College is our primary recruitment partner for entry-level medical assistants. We bring our managers to the Rochester campuses throughout the year to meet and interview qualified graduating students to fill our openings. We’ve enjoyed a strong internship partnership with the College as well; we look forward to continuing our work together into the future.”

Quantitatively, Bryant & Stratton College’s outcomes exceed or on are on par with the community colleges near our New York campus communities, even though Bryant & Stratton serves students with more challenging socioeconomic circumstances. For example, the combined student Pell usage at the New York State community colleges near Bryant & Stratton campuses is 36%, while Bryant & Stratton College’s student usage at these campuses is more than double that, at 76%. Research shows that students who are Pell recipients default on their student loans at a higher rate compared to those who do not receive Pell. Yet the College’s graduation rates at these campuses are 25.5% (two-years and less degree graduation rate for first-time, full-time students) versus the combined community college’s 24.9% (IPEDS 2013 cohort; most recent final data) and Bryant & Stratton College’s student default rate is 18.8% versus 16.4% (2015, most recent final data). An interesting statistic is that longitudinal studies of our graduates show that their average salaries have increased on a five-year annual compounded basis of 6.3% after graduation compared to CPI of 2.4%.

Bryant & Stratton College also partners with numerous employers across Upstate New York to provide workforce development opportunities and ensure our students have a positive experience in the workplace. These partnerships include:

- **GEICO**
 - Bryant & Stratton has partnered with GEICO to develop a customized program designed to provide and enhance educational opportunities for employees. Workshops are provided onsite to GEICO supervisors, and a variety of classes are held both onsite and at Bryant & Stratton campus locations for GEICO employees.
- **Community Action Organization (CAO)**
 - Bryant & Stratton has partnered with CAO to offer two courses onsite at CAO. The course offerings were based on CAO’s desire to upgrade skills and knowledge of key employees. Courses were specially selected in consultation with CAO leadership and Bryant & Stratton College program directors, faculty and deans. CAO called it the “CAO certificate”.

- **Buffalo Public Schools (BPS) – Community Schools Initiative**
 - BPS’s Community Schools Initiative seeks to utilize school buildings during the evenings and weekends for the broader community. Bryant & Stratton has partnered with BPS’s Community Schools (including South Park High School and others) to offer workshops and programs on weeknights and Saturdays for the greater community’s well-being. For example:
 - Bryant & Stratton provides health and wellness programs where the College’s Medical Assistant and Physical Therapist Assistant faculty and students offer health education, conduct blood pressure and glucose screenings, and share information on proper body mechanics;
 - The College has hosted multiple BPS health and wellness trainings at Bryant & Stratton campuses for hundreds of BPS faculty and staff;
 - Bryant & Stratton also offers career readiness workshops, including resume writing, interviewing skills and more;
 - The College has also planned and coordination a panel program featuring local dignitaries on the future of Buffalo;
 - Moving forward, Bryant & Stratton will be offering a 3-credit college course on Saturdays.
- **Spectrum, Blue Cross of Western New York (HealthNow) and others**
 - Bryant & Stratton partners with these employers in two ways:
 - We are invited regularly to speak to their employees about continuing education and the process associated with it. We are featured on their websites and are considered an education partner.
 - We also invite them to our campuses to talk to our students about job opportunities. They also work with our students, conducting mock job interviews, providing interviewing skills, and more.

Federal Title IV Student Loans are an Entitlement

Those who are critical of proprietary higher education claim that institutions encourage students to incur debt when, because of their age, they cannot be expected to make informed decisions about their education and financial aid. Disappointingly, critics have not provided a complete picture of federal financial assistance programs and may not understand Bryant & Stratton’s mission, values, and student demographics:

- Under federal law, students aged approximately 23 or younger are generally considered dependent students who require the involvement of their parent or guardian in admissions and financial aid decisions. While we serve a number of dependent students, the average age of our students is 27 years old, and over 70% have previously attended another institution of higher education. In other words, we enroll students who are older, more mature, and have prior college and personal experience with admissions and financial aid decisions.
- In addition, and most importantly, Bryant & Stratton College carefully and clearly educates its students – and their parent or guardian, if applicable – about paying for college and potential financial aid grants and loans, including federal financial aid programs. Each student acknowledges receipt of this information when submitting their Free Application

for Federal Student Aid (FAFSA), accepting individual award letters, and signing federal student loan master promissory notes.

What is often overlooked is the possibility that federal regulations, perhaps unintentionally, contribute to the increased usage of student loans. This unintended consequence occurs as a result of the student loan entitlement that allows students to borrow for costs beyond tuition, books and fees. Many students with limited income are not able to borrow under traditional consumer lending opportunities. The federal student loan program does not include a credit score component in the approval process; therefore, it provides access to funds not otherwise available to these students.

To demonstrate the impact on student debt related to a student's ability to borrow in excess of costs for tuition and fees, consider the following illustrations of a full-time student enrolled in one of our associate degree programs:

- A student borrows to direct costs of attendance (e.g., tuition, fees and books) and successfully completes the program on time, graduates with debt of \$14,500 and a monthly loan payment of \$165.
- The same student borrows the maximum amount permitted by federal regulations, which provides the capacity to borrow for expenses that are not paid to the College (e.g., living expenses, transportation and similar costs) and successfully completes the program on time, graduates with debt of \$24,750 and a monthly loan payment of \$283.

The regulations, as currently written, do not allow colleges and universities to limit federal borrowings that students may not necessarily need but choose to borrow because under the law they can.

Conclusion

Bryant & Stratton College has been deeply committed to our students and their success for over 165 years, and we remain as committed as ever.

Since before the Civil War, the mission of Bryant & Stratton College has been to provide our students, who are often otherwise discouraged from post-secondary education, with a practical education and skill set that will allow them to thrive in the modern workplace. We are proud of the students we serve and the success they achieve.

Lawmakers who meet our students and dedicated staff recognize that critics' claims are simply not warranted. We invite you to visit our campuses, meet our educators, and witness our students' success in action.

These days, not all college students come from the same background, and many students need individualized attention and support services in order to thrive. We provide access and choice to underserved students by offering programs leading to high-demand careers supporting workforce development in the communities we serve.

We welcome the use of metrics as one measure of quality if applied to all sectors and if the metrics take into consideration such factors as program length and student socioeconomic factors. I appreciate your consideration on this matter, and respectfully request your continued support for New York's next generation of students and working professionals.

Contact Information :

Francis J. Felser, D.M.
President and CEO
Bryant & Stratton College
Phone: 716-250-7500

Attachment A

The Importance of Bryant & Stratton College to Employers Across New York State

“Bryant & Stratton College is our primary recruitment partner for entry-level medical assistants. We bring our managers to the Rochester campuses throughout the year to meet and interview qualified graduating students to fill our openings. We’ve enjoyed a strong internship partnership with the College as well; we look forward to continuing our work together into the future.”

Darcy Pautz, CPC, Medical Office Manager, Rochester Regional Health

“Allied Universal and Bryant & Stratton College have enjoyed a valuable partnership, training BSC students and alumni to become part of our security workforce across New York State. We host 8-hour NYS Security Guard training courses for these students at no cost and frequently hire the successful completers as Allied Universal employees. This partnership has contributed to the success of our company in Rochester and throughout New York State.”

Kristina Luxon, Human Resources, Allied Universal

“Our internship and hiring partnership with Bryant & Stratton College in Rochester has spanned many years. We can rely on the College for qualified and certified medical assistant candidates and interns who are ready to learn and contribute to the organization. We appreciate opportunities to engage with their students on campus and look forward to continuing our partnership in the future.”

Andre Dixon, Human Resources – Student & Employment Enhancement Manager, Trillium Health

“Frontier Abstract and Research Services has had a great partnership with Bryant & Stratton College for many years. We have hired multiple graduates from the Paralegal Studies program and they have done very well here. We look forward to continuing our partnership with Bryant & Stratton College in the future.”

Anna Mancini, Human Resources Director, Frontier Abstract & Research Services, Inc.

“We are constantly seeking IT technicians and engineers with strong qualifications, practical experience, strong soft skills and a passion for problem solving and technology. Some of our key employees have come from Bryant & Stratton’s IT program. Starting as interns, we have offered them positions upon completion of their studies. We continue to look to Bryant & Stratton to be our hiring-partner and to provide the same high-quality graduates that support ours and other Central New York companies.”

John Spiridigliozzi, Chief Operating Officer, Infinit Technology Solutions

“We appreciate and value the opportunity to work with Bryant & Stratton College on their internship and partnership program. We often reach out to the College for qualified and certified medical assistant candidates and past graduates when employment opportunities become available at our practice.”

Anne E. Zaccheo, MBA, FACMPE, Practice Director, Nephrology Associates of Syracuse, PC

“Bryant & Stratton College and InterFaith Works CNY have built a robust relationship with our Internship Program. We have welcomed 2-8 interns per semester to learn soft skills, leadership, brainstorm program ideas, work with clients, and so much more. We learn as much from the interns as they do with us. Looking forward to a continued collaboration as we walk shoulder to shoulder with Bryant & Stratton College interns in their life’s journey.”

Daryl Suzanne Files, Volunteer and Donor Relations Coordinator, InterFaith Works of CNY

“The medical assistant interns from Bryant & Stratton have been very impressive! We have hosted several who learned quickly and helped our patients feel at ease. This partnership has been beneficial for us and we love seeing students grow into professional roles.”

Ingrid Hansen, RN, CASAC-T, Nurse Manager, Helio Health

“As an organization that has grown exponentially over the years, Bryant & Stratton College has been instrumental in helping Optanix fill many of our entry-level IT positions with qualified, hard-working and well-rounded graduates. We rely regularly on the valuable students and staff at Bryant & Stratton to support our continued growth and look forward to continuing our partnership for years to come.”

Olesh Iwachiw, HR Business Partner, Optanix, Inc.

“Our student internship partnership with Bryant & Stratton College has been in existence for many years and has been growing especially in the HR Department. We can count on the College to send students who are focused and ready to jump in and learn new things. We appreciate the opportunity to engage with the students and be a part of their learning journey. The Rescue Mission looks forward to continually growing this partnership.”

Belinda Teller, Chief Human Resources Officer, Rescue Mission

“Our organization has partnered with Bryant & Stratton College in CNY for several years. Bryant & Stratton College of CNY produces extremely qualified and certified medical assistants and medical administrative assistants. Having a partnership with the internship program has not only been beneficial to the students, it has also been personally rewarding to be a part of helping students succeed in their careers. Our organization has proudly employed several students upon graduation.”

Karen McCargar, Practice Manager, AMP Urology

“Over the years we have greatly appreciated our partnership with Bryant & Stratton College and the quality students they have provided for our internship program and fulfilling our employment needs. The educational process at Bryant & Stratton is such that the students not only obtain the clinical knowledge that we desire but they also prepare their students with the soft skills necessary to be successful in life after graduation.”

Jason Isbrandt, Director of Provider Relations, Greater Buffalo United Accountable Healthcare Network

“Gross Polowy and Bryant & Stratton College have a long-standing and successful relationship. Our law firm has consistently received high-quality candidate referrals from the Paralegal Studies program and employs multiple BSC graduates today.”

Amy LuVollo, Human Resources Director, Law Firm of Gross Polowy

“The internship and hiring partnership we have with Bryant & Stratton College in WNY has spanned many years. Bryant & Stratton College has been a great partner in providing our organization with qualified medical assistant and medical administrative assistant candidates and interns. Our relationship has been very successful with assisting us in filling employment opportunities for new graduates. The internship program has given students an opportunity to get “real world” experience and we welcome them with the goal of preparing them to excel in their chosen field. These programs are very important and fulfill a need within the healthcare community.”

Rebecca Mecca, Practice Administrator, OB-GYN Associates of Western New York

“We have enjoyed a strong partnership with Bryant & Stratton College’s Albany Campus over the past several years and have relied on their graduates to fill vacancies within our practice. Our experience has been very positive and they are an exceptional resource when searching for new candidates. Their graduates come prepared to work with knowledge in their area of study. We look forward to continuing our work together into the future.

Chavonne Brown, Office Manager, Pan Dermatology

“Bryant & Stratton College has been a strong recruitment and educational resource for CEO as an organization. During the past eighteen months, we have had very qualified interns and job candidates. In fact, one of our interns has just come on board as a full-time accountant. We hope to continue this valuable relationship which has already proven to be beneficial to us as an organization, to the college and most importantly to the students”

Mary O’Grady, Chief Financial Officer, Commission on Economic Opportunity

“The Albany Campus of Bryant & Stratton College has been an exceptional source for recruitment and an education resource for Computer Answers. We can rely on the College to provide quality candidates from their Networking Technology program. We look forward to opportunities to engage with their students both on and off campus and continuing our partnership into the future.”

Dahl Todd, Manager, Computer Answers

“Hiring a Bryant and Stratton graduate has proven to be extremely beneficial for our busy practice. Their graduates are well prepared to handle any task given to them, with the knowledge and confidence to complete it.”

Jennifer Rosebrook, BSN RN-BC, Clinical Coordinator, Saratoga Hospital – Endocrinology

New York Automotive and Diesel Institute

The College of Transportation Technology

Finance and Budget

1. Operating Budget 2019

Income:

Title IV	\$5,400,000 (Includes VA Benefits)	72%
Non-Title IV	<u>\$2,100,000</u>	<u>28%</u>
Total	\$7,500,000 All Revenue from Tuition	100%

2. Expenses 2019

Total Annual Salaries of the Five Highest Paid Administrators: \$448,000

• Faculty Salaries and Benefits	\$2,100,000	30%
• Staff and Administrative Salaries and Benefits	1,360,000	19%
• Corporate Office Salaries and Expenses	340,000	5%
• Rent and Taxes	870,000	12%
• Instructional (Educational Materials)	540,000	7%
• Utilities	140,000	2%
• Advertisement	1,000,000	14%
• Equip, Ins, Maint, Fees, Printing and Travel	<u>750,000</u>	<u>11%</u>
Total	\$7,100,000	100%

Student Outcomes

1. On-time two year completion rate: above 50%, estimated time and a half completion rate 70%
2. Average enrollment of 350 students: 2/3 Day, 1/3 Evening
3. Placement rate between 80 and 90%
4. Average student loan debt: between \$12,000 and \$20,000
5. Average debt of student while in school: between \$4,000 and \$8,000

Transparency

1. NYADI's website clearly and specifically provides information on tuition, programs, scholarships and much more: nyadi.edu
2. Percentage of expenses that goes directly towards instruction:

30% Faculty Salaries & Benefits
7% Educational Materials
Total 37%

Attachments

Two Year College On-time Completion Rates
 Independent Third Party Placement Rate Verification (84%)
 Accrediting Council (ACCSC) On-site Evaluation 1-23-19
 Office of College and University Evaluation (OCUE) One year update

Note: Every college in the State of New York must be approved by the Board of Regents and are supervised by the Office of College and University Evaluation (OCUE). All colleges must comply with Statutory and Regulatory Provisions Relating to Higher Education. (See Attachments)

**Graduation Rates for First-Time Full-Time Students Entering a Less-Than-Baccalaureate Program Full-Time (in Year Minus 3) and Earning a Degree Through Spring of the Year Shown at the Institution First Entered:
New York State by Institution: Less-Than-Baccalaureate: CUNY**

Institution	Cohort Entering:	Status as of:	Full-Time Entrants	Less Than	Associate's		Still Enrolled
	Fall:	Spring:		2-Year Program	2 Yrs	3 Yrs	
CUNY Graduate School and University Center							
Brooklyn College	2008	2011	3	66.7%	--	--	--
	2005	2008	18	--	--	--	38.9%
	2006	2009	26	--	--	--	57.7%
	2007	2010	28	--	--	3.6%	53.6%
	2008	2011	24	--	--	--	54.2%
College of Staten Island							
	2007	2010	1,822	--	0.3%	5.2%	32.8%
	2008	2011	1,754	--	0.3%	5.5%	31.5%
	2009	2012	1,743	--	0.4%	3.0%	33.5%
	2010	2013	1,529	--	0.5%	3.3%	36.0%
	2011	2014	1,542	--	0.3%	2.5%	34.3%
	2012	2015	1,620	--	0.4%	3.5%	33.5%
	2013	2016	1,806	--	0.6%	4.9%	30.7%
John Jay College of Criminal Justice							
	2005	2008	1,509	--	--	2.1%	33.1%
	2006	2009	1,738	--	0.2%	2.3%	35.4%
	2007	2010	1,517	--	0.3%	3.2%	32.8%
	2008	2011	1,013	--	0.5%	4.4%	39.7%
	2009	2012	1,202	--	0.2%	2.6%	36.9%
New York City College of Technology							
	2005	2008	1,967	0.1%	0.9%	7.8%	22.8%
	2006	2009	2,392	--	0.9%	6.8%	24.5%
	2007	2010	2,449	--	0.7%	6.3%	24.8%
	2008	2011	2,657	--	0.8%	7.5%	24.1%
	2009	2012	2,791	0.0%	1.1%	7.8%	22.9%
	2010	2013	2,567	--	0.9%	6.9%	26.5%
	2011	2014	2,764	--	1.0%	7.3%	29.1%
	2012	2015	2,512	--	0.8%	7.9%	26.4%
New York City College of Technology - Main							
	2013	2016	2,689	--	0.8%	6.6%	26.3%
Stella and Charles Gutman Community College							
	2012	2015	289	--	27.7%	49.1%	5.2%
York College							
	2007	2010	13	--	--	--	53.8%
	2008	2011	3	--	--	--	66.7%
	2009	2012	7	--	--	--	14.3%
	2011	2014	4	--	--	--	50.0%
	2012	2015	2	--	--	--	--
	2013	2016	2	--	--	--	50.0%

Borough of Manhattan Community College

2007	2010	3,317	--	3.1%	14.0%	19.2%
2008	2011	4,188	--	2.3%	11.9%	20.9%
2009	2012	3,845	--	2.8%	15.0%	22.4%
2010	2013	4,425	--	3.0%	15.0%	20.4%
2011	2014	5,131	--	2.5%	15.9%	21.4%
2012	2015	4,966	--	3.7%	18.3%	19.0%
2013	2016	4,528	--	3.8%	18.9%	17.7%

Bronx Community College

2007	2010	1,478	0.2%	1.5%	8.1%	26.7%
2008	2011	1,335	0.1%	0.7%	7.9%	25.8%
2009	2012	1,759	--	0.9%	9.9%	24.2%
2010	2013	1,661	0.1%	1.9%	11.1%	24.7%
2011	2014	1,806	0.1%	1.6%	10.5%	23.1%
2012	2015	1,538	0.5%	3.1%	15.5%	20.2%
2013	2016	1,638	0.2%	2.8%	16.0%	20.1%

Eugenio Maria De Hostos Community College

2007	2010	752	0.3%	1.9%	11.3%	27.1%
2008	2011	829	0.1%	0.5%	8.2%	23.5%
2009	2012	1,102	--	0.8%	10.1%	25.1%
2010	2013	1,020	0.1%	1.9%	11.8%	23.6%
2011	2014	1,135	0.4%	1.3%	12.2%	23.4%
2012	2015	827	0.1%	3.3%	20.3%	20.9%
2013	2016	1,118	0.1%	3.8%	19.2%	19.5%

Fiorello H. Laguardia Community College

2007	2010	2,230	0.2%	3.9%	15.2%	24.8%
2008	2011	2,268	0.3%	2.9%	13.3%	25.2%
2009	2012	2,479	0.1%	4.0%	16.8%	21.8%
2010	2013	2,811	0.0%	4.9%	16.7%	21.4%
2011	2014	2,665	0.2%	4.2%	16.0%	22.3%
2012	2015	2,684	0.1%	5.4%	19.7%	21.1%
2013	2016	2,523	0.2%	7.8%	21.7%	19.2%

Kingsborough Community College

2007	2010	2,018	0.0%	11.4%	25.0%	14.9%
2008	2011	2,198	--	7.7%	21.9%	19.0%
2009	2012	2,781	--	9.5%	21.8%	17.0%
2010	2013	2,684	--	7.4%	18.7%	18.5%
2011	2014	2,547	--	8.8%	23.5%	15.8%
2012	2015	2,519	--	11.6%	26.2%	14.7%
2013	2016	2,534	--	14.5%	28.2%	12.0%

Medgar Evers College

2007	2010	581	--	--	3.1%	22.5%
2008	2011	741	--	0.8%	4.7%	21.2%
2009	2012	1,105	--	0.5%	4.4%	17.7%
2010	2013	928	--	0.3%	5.0%	22.5%
2011	2014	1,039	--	0.2%	4.5%	23.6%
2012	2015	920	--	0.5%	3.9%	27.3%
2013	2016	920	0.1%	0.3%	4.4%	24.5%

Queensborough Community College

2007	2010	2,188	0.1%	4.0%	15.7%	21.6%
2008	2011	2,384	0.1%	2.6%	13.8%	23.4%
2009	2012	3,226	0.0%	3.8%	16.2%	21.5%
2011	2014	3,326	0.2%	4.9%	18.1%	21.1%
2012	2015	3,050	--	6.7%	22.0%	19.3%
2013	2016	3,050	0.0%	7.0%	21.9%	17.7%

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**Graduation Rates for First-Time Full-Time Students Entering a Less-Than-Baccalaureate Program Full-Time (in Year Minus 3) and Earning a Degree Through Spring of the Year
Shown at the Institution First Entered:**

New York State by Institution: Proprietary: Less-Than-Baccalaureate

Institution	Cohort Entering: Fall:	Status as of: Spring:	Full-Time Entrants	Less Than 2-Year Program	Associate's within:		
					2 Yrs	3 Yrs	Still Enrolled
ASA Institute of Business and Computer Tech							
	2007	2010	871	1.6%	26.2%	32.3%	2.5%
	2008	2011	1,278	1.2%	23.1%	29.7%	3.5%
	2009	2012	1,710	0.9%	24.8%	32.9%	2.8%
	2010	2013	2,018	0.9%	23.7%	30.6%	2.7%
	2011	2014	1,058	0.9%	22.8%	30.9%	4.4%
	2012	2015	1,360	1.2%	18.2%	26.2%	4.0%
	2013	2016	1,280	1.6%	17.0%	25.0%	5.2%
Bryant & Stratton College Albany							
	2007	2010	124	--	34.7%	38.7%	4.8%
	2008	2011	139	--	35.3%	42.4%	5.8%
	2009	2012	157	--	23.6%	31.8%	5.1%
	2010	2013	159	--	27.0%	31.4%	3.8%
	2011	2014	104	--	22.1%	26.9%	--
	2012	2015	119	--	23.5%	26.1%	1.7%
Berkeley College							
	2007	2010	121	--	24.8%	30.6%	12.4%
	2008	2011	240	--	19.1%	21.7%	0.8%
	2009	2012	209	--	12.9%	17.7%	9.6%
	2010	2013	203	--	10.9%	20.4%	9.1%
	2011	2014	25	--	--	28.0%	4.0%
	2012	2015	111	--	10.8%	25.2%	13.5%
	2012	2015	111	--	10.8%	25.2%	13.5%
Berkeley College - Main							
	2013	2016	139	--	13.7%	30.9%	9.4%
Berkeley College - Westchester							
	2013	2016	15	--	13.3%	26.7%	--
Berkeley College - Brooklyn							
	2013	2016	28	--	14.3%	32.1%	7.1%
Briarcliffe College							
	2008	2011	140	--	26.4%	37.1%	--
	2009	2012	275	--	26.5%	36.7%	--
	2010	2013	293	--	23.9%	32.4%	--
	2011	2014	236	--	34.7%	43.6%	4.2%
	2012	2015	219	--	32.0%	40.2%	0.5%
Briarcliffe College - Bethpage							
	2013	2016	157	--	28.0%	35.7%	1.3%
Bryant & Stratton College - Buffalo-Main Campus							
	2007	2010	198	--	8.1%	16.7%	2.5%
	2008	2011	208	--	15.9%	19.7%	1.4%
	2009	2012	286	--	16.8%	19.6%	4.2%
	2010	2013	259	--	8.1%	14.7%	4.2%
Bryant & Stratton College - Amherst							
	2007	2010	90	--	30.0%	36.7%	4.4%
	2008	2011	88	--	33.0%	34.1%	2.3%
	2009	2012	107	--	31.8%	34.6%	3.7%
	2010	2013	114	--	21.9%	27.2%	1.8%
	2011	2014	78	--	23.1%	34.6%	5.1%
	2012	2015	42	--	38.1%	38.1%	2.4%
	2013	2016	44	--	31.8%	36.4%	2.3%
Bryant & Stratton College - Southtowns Campus							
	2007	2010	172	--	24.4%	34.3%	4.1%
	2008	2011	244	--	21.3%	27.0%	3.7%
	2009	2012	159	--	26.4%	30.8%	1.9%
	2010	2013	169	--	18.9%	27.8%	0.6%
	2011	2014	381	--	11.5%	15.2%	2.6%
	2012	2015	169	--	18.9%	27.8%	3.6%
	2013	2016	44	--	31.8%	36.4%	2.3%
Bryant & Stratton College - Greece							

	2007	2010	39	--	28.2%	35.9%	2.6
	2008	2011	39	--	33.3%	33.3%	--
	2009	2012	54	--	25.9%	31.5%	1.9%
	2011	2014	68	--	17.6%	22.1%	2.9%
	2012	2015	61	--	27.9%	27.9%	3.3%
Bryant & Stratton College - Henrietta Branch							
	2007	2010	107	--	10.3%	13.1%	2.6
	2009	2012	54	--	25.9%	31.5%	1.9%
	2011	2014	57	--	24.6%	26.3%	--
	2012	2015	74	--	27.0%	29.7%	2.7%
Business Informatics Center							
	2007	2010	9	--	11.1%	22.2%	22.2%
	2008	2011	11	--	9.1%	27.3%	27.3%
	2009	2012	3	--	33.3%	33.3%	--
	2010	2013	7	--	--	14.3%	14.3%
	2011	2014	4	--	--	25.0%	--
Elmira Business Institute - Main Campus							
	2007	2010	78	--	34.6%	34.6%	2.6%
	2008	2011	69	4.3%	23.2%	23.2%	10.0%
	2009	2012	84	28.6%	25.0%	25.0%	--
	2010	2013	41	17.1%	31.7%	34.1%	--
	2011	2014	55	10.9%	29.1%	29.1%	--
	2012	2015	16	--	37.5%	37.5%	--
	2013	2016	35	8.6%	25.7%	25.7%	--
Elmira Business Institute - Vestal							
	2007	2010	55	18.2%	29.1%	29.1%	--
	2008	2011	58	6.9%	20.7%	22.4%	1.7%
	2009	2012	9	22.2%	77.8%	77.8%	--
	2010	2013	32	9.4%	25.0%	28.1%	--
	2011	2014	23	8.7%	17.4%	17.4%	-
	2012	2015	21	--	19.0%	19.0%	-
	2013	2016	30	--	43.3%	43.3%	-
Devry College of New York							
	2007	2010	36	--	--	8.3%	5.6%
	2008	2011	29	--	13.8%	24.1%	--
	2009	2012	45	-	6.7%	22.2%	4.4%
	2010	2013	32	--	6.3%	12.5%	9.4%
	2011	2014	26	--	3.8%	11.5%	3.8%
	2012	2015	11	--	9.1%	45.5%	9.1%
	2013	2016	9	--	--	--	22.2%
Five Towns College							
	2007	2010	13	--	38.5%	46.2%	-
	2008	2011	8	--	25.0%	25.0%	-
	2009	2012	11	--	27.3%	36.4%	--
	2010	2013	6	--	83.3%	100.0%	--
	2011	2014	7	--	14.3%	28.6%	28.6%
	2012	2015	7	--	28.6%	28.6%	--
	2013	2016	146	--	--	0.7%	46.6%
Globe Institute							
	2007	2010	305	0.3%	3.3%	8.5%	1.6%
	2008	2011	109	--	3.7%	32.1%	--
	2009	2012	128	--	17.2%	19.5%	-
	2010	2013	160	1.9%	10.0%	11.9%	3.8%
	2011	2014	262	--	11.8%	14.9%	0.4%
	2012	2015	225	--	4.9%	17.8%	0.4%
Island Drafting and Technical Institute - Albany							
	2007	2010	49	--	83.7%	83.7%	-
	2008	2011	45	--	80.0%	80.0%	--
	2009	2012	57	--	80.7%	80.7%	--
	2010	2013	41	--	80.0%	80.0%	-
	2011	2014	54	--	87.0%	87.0%	-
	2012	2015	51	--	82.4%	82.4%	-
	2013	2016	38	--	86.8%	86.8%	-
ITT Technical Institute - Albany							
	2007	2010	101	--	30.7%	55.4%	2.0%
	2009	2012	121	--	100.0%	100.0%	--
	2010	2013	123	--	95.1%	95.1%	-
	2011	2014	80	--	18.8%	21.3%	--
	2012	2015	67	--	1.5%	1.5%	26.9%
ITT Technical Institute -Getzville							
	2007	2010	150	--	29.3%	39.3%	2.7%
	2008	2011	212	--	27.8%	35.8%	1.9%

	2009	2012	247	--	31.6%	40.9%	3.2%
	2010	2013	259	--	37.5%	45.2%	1.5%
	2012	2015	247	--	--	--	--
ITT Technical Institute - Liverpool							
	2007	2010	83	--	48.2%	51.8%	--
	2008	2011	78	--	47.4%	47.4%	--
	2009	2012	64	--	26.6%	46.9%	--
	2010	2013	70	--	47.1%	47.1%	--
	2011	2014	65	--	40.0%	40.0%	--
	2012	2015	87	--	47.1%	47.1%	--
Jamestown Business College							
	2007	2010	87	--	44.8%	46.0%	1.1%
	2008	2011	69	--	43.5%	47.8%	--
	2009	2012	84	--	53.6%	58.3%	--
	2010	2013	81	2.5%	39.5%	46.9%	--
	2011	2014	71	--	42.3%	45.1%	1.4%
	2012	2015	70	--	42.9%	48.6%	--
	2013	2016	69	4.3%	56.5%	59.4%	1.4%
SBI Campus							
	2007	2010	126	--	100.0%	100.0%	--
	2008	2011	134	--	38.8%	38.8%	--
	2009	2012	62	--	46.8%	48.4%	--
	2010	2013	70	5.7%	48.6%	52.9%	1.4%
	2011	2014	59	5.1%	49.2%	54.2%	--
	2012	2015	38	--	10.5%	57.9%	--
Laboratory Institute of Merchandising							
	2007	2010	8	--	--	--	37.5%
	2008	2011	10	--	--	--	50.0%
	2009	2012	14	--	14.3%	14.3%	28.6%
	2010	2013	9	--	--	22.2%	11.1%
	2011	2014	4	--	25.0%	25.0%	50.0%
	2012	2015	9	--	--	--	44.4%
	2013	2016	12	--	--	8.3%	41.7%
Mildred Elley							
	2007	2010	55	12.7%	20.0%	25.5%	1.8%
	2008	2011	128	13.3%	16.4%	21.9%	5.5%
	2009	2012	172	15.7%	21.5%	31.4%	--
	2010	2013	191	15.7%	14.1%	22.0%	7.3%
	2011	2014	160	9.4%	16.9%	18.1%	3.8%
	2012	2015	122	13.1%	13.1%	13.1%	1.6%
	2013	2016	181	7.7%	16.6%	19.9%	--
Long Island Business Institute							
	2007	2010	115	1.7%	20.0%	23.5%	4.3%
	2008	2011	166	1.8%	22.3%	24.1%	2.4%
	2009	2012	144	4.2%	22.9%	27.1%	6.3%
	2010	2013	131	--	20.6%	24.4%	3.1%
	2011	2014	133	--	19.5%	24.1%	--
	2012	2015	107	--	34.6%	36.4%	--
Long Island Business Institute - Flushing							
	2013	2016	82	1.2%	23.2%	29.3%	--
Mandl School							
	2008	2011	179	8.9%	91.1%	91.1%	-
	2009	2012	211	2.4%	97.6%	97.6%	-
	2010	2013	205	11.7%	48.8%	51.2%	--
	2011	2014	233	6.4%	30.5%	33.0%	2.1%
	2012	2015	176	17.0%	68.2%	76.7%	6.3%
	2013	2016	198	10.6%	37.4%	42.9%	--
Monroe College							
	2007	2010	1,026	--	41.5%	52.7%	4.2%
	2008	2011	954	--	39.1%	48.3%	22.5%
	2009	2012	1,170	--	27.4%	46.5%	2.3%
	2010	2013	912	--	38.7%	48.8%	2.7%
	2011	2014	957	--	35.8%	45.1%	2.8%
	2012	2015	852	--	38.5%	48.9%	2.9%
Monroe College - Main							
	2013	2016	431	0.5%	50.1%	54.8%	3.0%
Monroe College - New Rochelle							
	2013	2016	449	--	45.2%	49.7%	1.3%
Art Institute of New York City							
	2005	2008	715	19.2%	20.1%	24.8%	1.8%
	2006	2009	715	19.2%	20.1%	24.8%	1.8%
	2007	2010	412	14.3%	23.5%	29.4%	2.2%

	2008	2011	361	--	31.0%	36.3%	3.9%
	2009	2012	242	--	5.8%	22.3%	7.4%
Olean Business Institute							
	2005	2008	31	6.5%	38.7%	38.7%	--
	2006	2009	32	6.3%	28.1%	28.1%	-
	2007	2010	36	5.6%	50.0%	50.0%	--
	2008	2011	23	8.7%	34.8%	34.8%	--
	2009	2012	36	--	88.9%	88.9%	-
Pacific College of Oriental Medicine							
	2009	2012	7	--	--	28.6%	-
	2010	2013	16	--	75.0%	81.3%	--
	2011	2014	7	--	28.6%	28.6%	--
	2012	2015	8	--	37.5%	37.5%	--
	2013	2016	11	--	81.8%	81.8%	--
Plaza College							
	2007	2010	184	2.7%	35.9%	66.8%	-
	2008	2011	218	2.8%	34.9%	61.9%	--
	2009	2012	228	2.2%	34.2%	61.0%	-
	2010	2013	228	2.6%	33.8%	60.5%	-
	2011	2014	249	2.4%	33.3%	59.4%	-
	2012	2015	238	2.1%	33.6%	60.1%	-
	2013	2016	233	2.6%	33.5%	61.4%	86.1%
School of Visual Arts							
	2013	2016	697	--	--	--	-
Bryant & Stratton College -Syracuse							
	2007	2010	243	--	16.0%	25.1%	1.2%
	2008	2011	201	--	21.9%	25.9%	1.2%
	2009	2012	183	--	14.8%	18.6%	2.2%
	2010	2013	165	--	15.2%	19.4%	1.2%
	2011	2014	183	--	25.1%	26.8%	0.5%
Bryant & Stratton College -Syracuse - North							
	2007	2010	81	--	27.2%	33.3%	4.9%
	2008	2011	104	--	30.8%	41.3%	1.0%
	2009	2012	103	--	27.2%	32.0%	1.9%
	2010	2013	113	--	29.2%	31.9%	2.7%
Everest Institute							
	2007	2010	316	1.9%	21.5%	34.2%	0.6%
	2008	2011	316	--	--	--	4.4%
	2009	2012	334	--	3.7%	3.7%	--
	2011	2014	21	--	23.8%	--	--
St. Paul's School of Nursing - Queens							
	2006	2009	5	--	60.0%	60.0%	--
	2007	2010	4	--	100.0%	100.0%	--
	2008	2011	6	--	66.7%	66.7%	--
St. Paul's School of Nursing - Staten Island							
	2008	2011	5	--	40.0%	40.0%	--
	2009	2012	4	--	25.0%	25.0%	--
	2010	2013	23	--	47.8%	73.9%	--
	2011	2014	70	--	62.9%	80.0%	--
	2012	2015	35	--	74.3%	74.3%	5.7%
Simmons Institute of Funeral Service							
	2007	2010	8	--	--	--	-
	2008	2011	3	--	33.3%	33.3%	-
	2009	2012	3	--	66.7%	66.7%	--
New York Career Institute							
	2007	2010	44	--	22.7%	40.9%	20.5%
	2008	2011	45	2.2%	8.9%	28.9%	11.1%
	2009	2012	56	5.4%	7.1%	32.1%	21.4%
	2010	2013	63	1.6%	14.3%	44.4%	4.8%
	2011	2014	43	4.7%	20.9%	37.2%	11.6%
	2012	2015	36	2.8%	22.2%	38.9%	19.4%
	2013	2016	31	--	9.7%	25.8%	22.6%
Swedish Institute							
	2005	2008	47	74.5%	--	--	-
	2006	2009	47	74.5%	--	--	-
Technical Career Institute							
	2007	2010	965	--	13.8%	23.9%	3.6%
	2008	2011	1,495	--	14.5%	21.7%	3.7%
	2009	2012	1,341	0.1%	16.6%	24.8%	3.9%
	2010	2013	1,147	0.2%	16.7%	23.9%	4.4%
	2011	2014	1,089	--	14.6%	21.6%	4.8%
	2012	2015	533	--	13.7%	22.7%	3.8%

Utica School of Commerce	2013	2016	553	0.2%	19.7%	24.4%	3.3%
	2007	2010	86	7.0%	23.3%	27.9%	--
	2008	2011	80	5.0%	17.5%	21.3%	--
	2009	2012	81	4.9%	25.9%	25.9%	1.2%
	2010	2013	83	3.6%	41.0%	44.6%	51.8%
	2011	2014	53	3.8%	32.1%	32.1%	--
	2012	2015	46	4.3%	41.3%	41.3%	--
College of Westchester	2007	2010	210	1.0%	37.1%	37.1%	0.9%
	2008	2011	397	0.3%	42.3%	42.3%	2.9%
	2009	2012	360	0.8%	38.1%	38.6%	2.5%
	2010	2013	220	0.9%	33.6%	45.5%	0.9%
	2011	2014	162	--	35.2%	45.7%	1.2%
	2012	2015	215	--	33.5%	47.9%	1.4%
	2013	2016	193	--	31.1%	44.0%	1.6%
Wood/Tobe-Coburn School	2007	2010	231	7.8%	60.6%	60.6%	-
	2008	2011	259	5.8%	67.2%	67.2%	-
	2009	2012	246	5.3%	64.6%	64.6%	--
	2010	2013	198	10.6%	89.4%	89.4%	--
	2011	2014	248	13.3%	62.1%	62.1%	--
	2012	2015	180	9.4%	66.7%	66.7%	--

NYSED Information and Reporting Services

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Monday January 02, 2018

HARVEY R. GLICK, CPA PC

106 Donnybrook Road • Scarsdale, New York 10583 • (914) 632-6191 • Fax (914) 637-8565 • E: hglickcpa@gmail.com

Revised Independent Third Party Report

Board of Trustees
New York Automotive & Diesel Institute

As per your request, I have re-examined the Graduation and Employment Chart employment statistics of New York Automotive and Diesel Institute (School) for the year ended June 30, 2018 as well as the Independent Third Party Report I had sent to you last October. Upon this examination, I discovered a typographical error on the Aggregate Summary page of the report indicating the total number of students sampled was 110, when in fact the total number of students sampled was 114. I apologize for this error and have corrected the report as such. Additionally, I have attempted to contact the students/employers I was unable to verify during my initial attempts and I was able to confirm a number of additional verifications as indicated on my revised report below. For the most part, the students/employers I was unable to verify was due to the employer unwilling to disclose any information about personnel, a change in management or the shop no longer being in business.

In reviewing the statistics, we have performed our examination through work performed in an independent manner and applied the classifications defined in ACCSC instructions for Part C, Item 2. In preparation of this examination, we have reviewed the materials provided in the Self-Evaluation Report as well as the additional materials and publications on the ACCSC website.

In testing the population of graduates who found employment, we selected a sample of 50% at a minimum of the graduates on a random basis. We then called the employer noted by the School and spoke to a supervisor or knowledgeable employee when possible or directly to the student/employee to verify the accuracy of the School's employment verification records.

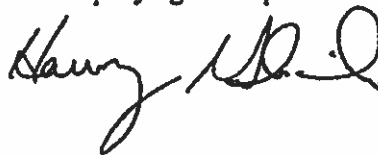
The accompanying charts show the results of our verification work. In addition, we attest to the following statements:

DISCLOSURES PERTAINING TO THIRD-PARTY VENDOR:		SELECT ONE (✓)	
		YES	NO
1	Has any owner, employee, or affiliated contractor been directly or indirectly employed or affiliated with any school which has lost or been denied accreditation by any accrediting agency? If the answer is YES, please attach a statement which details the facts and circumstances surrounding that school's loss or denial of accreditation.		✓
2	Has any owner, employee, or affiliated contractor been directly or indirectly employed or affiliated with any school that has closed or entered into bankruptcy? If the answer is YES, please attach a statement which details the facts and circumstances surrounding that school's closure, bankruptcy or both as applicable.		✓

3	Has any owner, employee, or affiliated contractor been directly or indirectly employed or affiliated with any school that has lost or been denied eligibility to participate in Federal Student Financial Aid (Title IV) programs? If the answer is YES, please attach a statement which details the facts and circumstances surrounding the loss or denial of Title IV eligibility.		✓
4	Is any action pending (e.g. court action, audit, inquiry, review, administrative action), or has action been taken, by any court or administrative body (e.g. federal or state court, grand jury, special investigator, U.S. Department of Education, or any state or federal regulatory or law enforcement agency) with regard to any owner, employee, or affiliated contractor or with regard to any institution with which any owner, employee, or affiliated contractor has previously been affiliated? If the answer is YES, please attach a statement which gives full disclosure of the person(s) and the matters involved. Include a statement of the facts and circumstances surrounding the action identifying the owner, employee, or affiliated contractor and the school involved. If the matter is not yet final, please describe the procedural status of the matter (i.e., still under investigation, preliminary decision under appeal, etc.) and the position taken by the owner, employee, or affiliated contractor involved. If the matter is final, provide a copy of the final action documentation.		✓
5	Has any owner, employee, or affiliated contractor been employed at or affiliated with a school where either that individual or the school has been charged or indicted in a civil or criminal forum or proceeding alleging fraud, misappropriation, or any criminal act? If the answer is YES, please attach a statement which gives full disclosure of the person(s) and the matters involved. Include a statement of the facts and circumstances surrounding the action identifying the owner, employee, or affiliated contractor and the school which is involved. If the matter is not yet final, please describe the procedural status of the matter (i.e., still under investigation, preliminary decision under appeal, etc.) and the position taken by the owner, employee, or affiliated contractor involved. If the matter is final, provide a copy of the final action documentation.		✓

Harvey Glick was the only individual reviewing the data accompanying this report.

Scarsdale, New York
 March 27, 2019



**Independent Third Party Initial Employment Verification
Reported Institutional Rates**

Annual Report Year		Name of Company	
2018		New York Automotive & Diesel Institute	
Total number of students sampled	Total number of available students to sample	Sample size percentage	
115	217	53	
Verified as Correct	Verified but Different	Unable to Verify	Verified as Not Correct
96	0	18	1

ACCSC

Accrediting Commission of Career Schools and Colleges

ACCSC ON-SITE EVALUATION TEAM RECORD

Purpose: Renewal of Accreditation
Degree Program
Automotive and Diesel Technology (AOS)
Automotive Technology (AOS)

Date: January 23-24, 2019

School: New York Automotive & Diesel Institute
School #M070285
178-18 Liberty Avenue
Jamaica, New York 11433
Patrick Hart, President
718.658.4044
pjhart@nyadi.edu

Team Members

Team Leader: Christine Cordek (Administrator)
Director of Compliance
Centura College/Tidewater Tech
Virginia Beach, Virginia

Education Specialist: Gail Robin, D.B.A. (Academic)
Adjunct Graduate Professor
Columbia College
McLean, Virginia

**Occupation Specialist/
Program Name:** Bobby Rajkumar/*All programs*
Director of Marine Operations
New York Cruise Lines
New York, New York

Commission Representative: Mary Jolliffe-Henry
Senior Accreditation Specialist
ACCSC
Arlington, Virginia

On-Site Evaluation Review Notes

The team leader, education specialist, and Commission representative were present for the entire on-site evaluation. The occupation specialists departed after the completion of their reviews. During the evaluation, the school provided the following information to the team to supplement the written record consisting of the Application for Renewal of Accreditation and Self-Evaluation Report:

- The current catalog
- The current enrollment agreement
- The current advertising
- The Institutional Assessment and Improvement Plan
- The complaint file
- The organizational chart
- The denied admissions file
- The Operations Manual
- The written Policies and Procedures Manual
- The completion awards
- The projected budget for 1/1/19-12/31/19
- The employer surveys
- The Registered Program List issued by the New York State Education Department (dated 9/19/18)
- The third party employment verification report for the 2018 Annual Report
- The backup documentation for the school's Graduation and Employment charts for the 2018 Annual Report
- The faculty files
- The personnel files for management staff
- A sample of current, graduate and withdrawal files

Student Survey Overview

During the on-site evaluation, the team surveyed 27% (93 of 339) of the enrolled student body and found that 99% of those surveyed indicated they felt good about their decision to attend the school and 98% would recommend the school to a friend; results for which the team commends the school. In addition, the following represents a summary of student satisfaction in each major area from the survey:

- Admissions - 97%
- Financial Aid - 94%
- Academic Progress - 92%
- Student Services - 96%
- Faculty - 97%
- Library/Learning Resource System (LRS) - 96%
- Facility - 94%
- Training Equipment - 76%



TO: Higher Education Committee

FROM: John L. D'Agati *John L. D'Agati*

SUBJECT: Update to the Board of Regents regarding provisionally authorized institutions of higher education: New York Automotive and Diesel Institute; Glasgow Caledonian New York College; and City Seminary of New York Graduate Center

DATE: January 3, 2019

AUTHORIZATION(S): *Margellen Elin*

SUMMARY

Issue for Discussion

Update on three institutions of higher education that were provisionally authorized in 2017: New York Automotive and Diesel Institute; Glasgow Caledonian New York College; and City Seminary of New York Graduate Center.

Reason(s) for Consideration

For information.

Proposed Handling

This item will be presented to the Higher Education Committee for discussion at the January 2019 Board of Regents meeting.

Procedural History

In 2017, the New York State Board of Regents provisionally authorized the new institutions of higher education represented in the chart below.

The information presented in this item provides a brief update on the status of these three institutions after their first year of operation. It is important to note that each of these institutions has a different mission and serves a different student population, and therefore should not be directly compared to each other.

Institution	Date Authorized	Degree Programs Offered
New York Automotive and Diesel Institute (NYADI)	April 27, 2017	Associate in Occupational Studies (A.O.S.) in: Automotive and Diesel Technology; Automotive Technology Certificates (Cert) in: Automotive Service Technology; Collision Repair Technology
Glasgow Caledonian New York College (GCNYC)	June 8, 2017	Master of Science (M.S.) in: Impact-Focused Business and Investing; International Fashion Marketing; Luxury Brand Management; Risk, Opportunity Resilience
City Seminary of New York Graduate Center (City Seminary)	July 6, 2017	Master of Arts (M.A.) in: Ministry in the Global City

Background Information

New York Automotive and Diesel Institute (NYADI)

In 1994 NYADI began operations as a non-degree postsecondary school offering technical programs and industry certifications in automotive studies. Upon obtaining Board of Regents approval to offer degree programs in April 2017, NYADI began the transition from a non-degree postsecondary school to a degree-granting college. Since that time, NYADI has converted from clock-hour to credit-hour measurement, reduced enrollment cycles from twenty-three to six class starts per year, and completed teaching out its non-degree students.

NYADI has been running all five of its registered degree and certificate programs since September 2017. NYADI enrolls both students who have graduated high school and students who have not graduated high school into its programs. Non-high school graduates must pass an independently administered Ability-to-Benefit (ATB) entrance examination and be enrolled in the Eligible Career Pathway Program and one of three certificate programs. Students who successfully pass the TASC exam and are awarded a high school equivalency diploma are eligible to transfer into a degree program. In the fall of 2017, 15 percent of the 98 students enrolled at NYADI were high school graduates. As NYADI continues its transition to a degree-granting college, it projects the percentage of incoming students who are high school graduates will increase. At the end of the reporting period (June 30, 2018) the college had issued certificate diplomas to 17 students.

NYADI has ten instructors with automotive certifications and, over the past year, added four faculty members with advanced degrees in mathematics, English, finance, and teaching. NYADI's board of trustees has thirteen members who serve three-year terms. In the past year, two officers left the board and two new members joined.

Employees hired in the past year now occupy the directors' roles for academic affairs, student services, and financial aid.

NYADI is accredited by, and is in good standing with, the Accrediting Commission of Career Schools and Colleges (ACCSC). Their accreditation is up for renewal in 2019 and the institution has submitted its Self-Evaluation Report and Renewal Application to ACCSC.

Glasgow Caledonian New York College (GCNYC)

GCNYC launched its first degree-program, the Master of Science (M.S.) in International Fashion Marketing, in September 2017. The M.S. in Impact-focused Business and Investment started in March 2018, and the M.S. in Risk Opportunity and Resilience started in September 2018. The fourth program, Luxury Brand Management, is not yet being marketed.

GCNYC recruited a diverse group of students via direct referrals from fashion industry corporations during the first academic year. Thirty-one part-time students enrolled, with sixteen joining in September 2017 and fifteen in March 2018. Each of the GCNYC students took two courses per trimester and completed every course he or she started. The first cohort of students is on-track to complete the M.S. in International Fashion Marketing within the planned sixteen-month timeframe.

Through the first academic year, GCNYC faculty has remained stable at 11 members. Faculty experience includes leadership and creative roles for institutions and brands such as: Gucci, Saks Fifth Avenue, Chanel, Eponym, The Chief Trunk Company, Mary Norton, Google, and Motorola, as well as expertise in a range of fashion industry fields. GCNYC added three administrators who are responsible for assessment and accreditation, admissions and business development, operations and student services. GCNYC's governance structure has not changed. However, one of GCNYC's ten trustees stepped down over the summer. In response, the board has conducted a needs analysis and is discussing potential replacement candidates.

After conducting an evaluation and campus visit, the Middle States Commission for Higher Education (MSCHE) granted GCNYC candidate status for accreditation in June 2018. The institution has begun to work on its self-study in preparation for MSCHE's 2020-21 evaluation visit.

City Seminary of New York Graduate Center (City Seminary)

City Seminary received approval from the Board of Regents to offer degree programs in July 2017 and launched the Master of Arts (M.A.) in Ministry of the Global City in February 2018 with two courses – Learning and Leadership (two credits) and Sensing the City (three credits). The institution continues to offer the non-degree Ministry Fellows and Youth Ministry Fellows programs.

City Seminary identified its first cohort of 18 master's degree students in the fall of 2017. The students come from a range of Christian faith traditions, professions, and

ministry involvement. Additionally, students enrolled in the cohort come from diverse backgrounds with varied native languages such as: English, Spanish, Yoruba, Korean, Russian, Mandarin, Hindi, and Malayalam. City Seminary plans to take the 2018 cohort through to graduation in 2020 before accepting a second cohort into the program.

Throughout the reporting period, City Seminary expanded its Board of Directors from five to ten members. In addition, one faculty member left the institution during the period and two new members were added to the faculty. The librarian also transitioned out and an interim librarian currently occupies that position. Additionally, a new bursar/registrar was also hired.

The institution reported meeting its financial goals and fulfilling the needs of the program through the first reporting period. Investments included expanding the library collection, establishing a technological infrastructure to organize research, and purchasing additional classroom equipment such as whiteboards and speakers. A Dean's Fellowship assisted some students with tuition, and City Seminary is working to deepen the resources available to grow the program and support the student community.

City Seminary chooses not to seek accreditation by an external non-governmental organization yet remains strongly oriented toward self-assessment and evaluation. For example, at the end of the term the institution administered a detailed student survey about program content, processes, readings, and assignments; faculty effectiveness; and learning outcomes. The responses highlighted potential gaps or congruence between faculty and student expectations, perceptions, and experiences. The feedback helped to refine course objectives, instructional activities, and assessments, and to facilitate structuring subsequent courses to build on previous learning.

Overall Conclusions

After just one year of operation as degree-granting institutions, it is too early to make summative evaluations about the overall quality and effectiveness of the institutions in consideration of permanent authority. However, the Department observes that all three degree-granting institutions: New York Automotive and Diesel Institute; Glasgow Caledonia New York; and City Seminary Graduate Center appear to be operating in a manner congruent with their missions. The Department has not observed any red flags or early warning indicators which may raise question to the quality, effectiveness, or compliance with the standards for the registration of academic degree programs. The Department will continue to monitor the progress of these institutions until the conclusion of their provisional term.

Related Regents Items

May 2017: <https://www.regents.nysed.gov/common/regents/files/517brca1.pdf>

June 2017: <http://www.regents.nysed.gov/common/regents/files/heagc030972revised.pdf>

July 2017: <http://www.regents.nysed.gov/common/regents/files/717brca4.pdf>

[College and University Evaluation](#)

Additional Resources

[Education Law, Rules and Regulations](#) ▾

[Summary of Board of Regents Authority for Quality Assurance in Higher Education](#)

▶ [Summary of New York Statutory and Regulatory Provisions Relating to Higher Education](#)

[Autism Training Providers](#) ▶

[Distance Education Program Database](#)

[Inventory of Registered Programs \(IRP\)](#)

[Regulatory Relief for Temporary Closure of an Institution Due to a Disaster](#)

[Related New York State Policies](#)

[Religious Institution Exemption Form](#)

Summary of New York Statutory and Regulatory Provisions Relating to Higher Education

The University of the State of New York

- New York State Constitution, Article XI, §2: Continues The University of the State of New York ("USNY") as a corporation governed by the Board of Regents ("BOR"); specifies that the Legislature may increase, modify, or diminish the BOR's powers.
- Education Law §214: USNY includes all institutions of higher education incorporated in New York State, all secondary institutions, and such other institutions as admitted by the BOR.

Incorporation and Governance

- Education Law §216 and 8 NYCRR §3.20: Authorizes the BOR to charter (incorporate) colleges and universities.
- Education Law §219: Authorizes the BOR to revoke charters it issues.
- Education Law §226(4) and 8 NYCRR §3.31: Authorizes the BOR to remove trustees of a corporation it charters for misconduct, incapacity, neglect of duty and/or failure or refusal of the institution to carry into effect its educational purposes.

- Education Law §216 and 8 NYCRR §3.26: The Commissioner of Education (“Commissioner”) may consent to the formation of for-profit institutions of higher education and to the amendment of certificates of incorporation of corporations so formed.

Degree Authority

- Education Law §218 and 8 NYCRR §3.46: No institution in this State shall confer any degree unless so authorized by its charter or by authorization of the BOR. The BOR is authorized to determine whether an institution has adequate financial resources to carry out its educational programs prior to awarding the power to confer degrees.
- 8 NYCRR 3.50: Lists degree titles available to be awarded by institutions of higher education.
- 8 NYCRR 3.47: Sets requirements for the award of earned degrees, identifies the recognized equivalents to completion of a four-year high school course of study, classifies degree titles listed in 8 NYCRR 3.50 by level and type.
- Education Law §224(1)(a) and 8 NYCRR §3.29: Use of the terms “college” and “university” are generally restricted to institutions chartered by the BOR or the Legislature. The Commissioner may consent to the use of the terms for for-profit institutions provided certain requirements are met. N.b. Section 224(1) also prohibits operation by out-of-state higher education institutions in New York without permission of the BOR as well as the operation in the State of “degree mills.”
- Education Law §224(1)(b) and 8 NYCRR §3.58: A for-profit institution may not through a change or ownership or control, convey, assign or transfer degree-conferring authority without the consent of the BOR. The BOR may grant for-profit institutions provisional and permanent authority to confer degrees.
- Education Law §§208, 217 and 8 NYCRR §3.22: The

BOR may confer degrees upon students of a not-for-profit institution during the period which the institution operates under a provisional charter and/or upon closure of such institution.

- Education Law §§355(2)(f) and 6206(8): Authorize the Board of Trustees of the State University of New York ("SUNY") and The City University of New York ("CUNY"), respectively, to award degrees the respective SUNY institutions were authorized to award upon establishment of SUNY or, in the case of CUNY, in 1926, and such additional degrees as the BOR may authorize them to award.

Registration--Statutes and Caselaw

- Education Law §210: Empowers the BOR to register domestic and foreign institutions if they meet New York standards.

The New York Court of Appeals in *Moore v. Board of Regents*, 44 NY2d 593 (1978), held that this implicitly includes the power to register particular programs and courses of study, not just institutions.

- Education Law §215: Empowers the BOR to visit, examine, inspect and require reports of any USNY institution, and to suspend the charter of institutions for refusal/failure to make such reports.
- Education Law §305: Empowers the Commissioner to supervise courses for the training of teachers.
- Education Law §6506(2): Directs the BOR to establish the educational requirements for licensure in the professions regulated by the BOR pursuant to Title VIII of the Education Law.
- Education Law Articles 131 – 166: Include provisions relating to each licensed professions exempting from the requirement for licensure for students enrolled in programs approved by the Commissioner. These programs are approved by registration under 8 NYCRR Part 52.

Regents Rules and Commissioner's Regulations

- 8 NYCRR §13.1: Gives the Commissioner the power to establish regulations governing the registration of courses of study.
- 8 NYCRR §13.2: After notice and opportunity to be heard, the Commissioner may rescind registration of any institution which fails to (1) maintain approved standards of equipment and instruction; (2) possess adequate resources; or (3) make the reports required by the Department.
- 8 NYCRR §50.1 and Parts 52 and 54: Contain definitions and standards for registration of undergraduate and graduate curricula. Specifically, §52.2 prescribes the general requirements with respect to resources, faculty, curricula and awards, admissions and administration. Sections 52.3 – 52.21 prescribe additional requirements for programs leading to licensure in specific professions licensed by the BOR pursuant to Title VIII of the Education Law and for programs preparing candidates for teacher certification. Sections 52.23 and 52.24 set forth the procedures on denial of registration. Part 54 addresses off-campus instruction.

Master Planning Function

- Education Law §237 and L.1995 c.82: Requires the BOR to create a detailed Statewide Plan for Higher Education that (a) defines and differentiates the missions and objectives of higher education; (b) identifies the needs, problems and interests that programs in higher education must address; (c) defines and differentiates the missions and objectives of institutions of higher education; (d) meets the needs and solves the problems, affects the conditions and respond to the public's interests; (e) optimizes the use of resources; and (f) evaluates program effectiveness. It requires that the Statewide Plan incorporate the long-range plans of SUNY and CUNY, adopted pursuant to §§354(2) and 6206(3)(b), to the extent the BOR approves them, and include the plans of independent institutions (which are not subject to approval).
- Education Law §§354(2) and 6206(3)(b): Authorize

the BOR to review and approve/disapprove the proposed long-range plans submitted by CUNY and SUNY and any revision thereof by incorporating them into the Statewide Plan. N.b. Generally, Article 8 of the Education Law provides that actions of the SUNY Board of Trustees shall be in accordance with the plan adopted pursuant to §354.

Chairs in the Sciences and the Humanities

- Education Law §239: Establishes Albert Einstein chairs in the sciences and Albert Schweitzer chairs in the humanities to be awarded by the BOR by contract with higher education institutions and scholars.

Student Financial Aid

- Education Law §602 and 8 NYCRR Subparts 145-1 and 145-2: Prescribes the duties of the Commissioner in the administration of the Tuition Assistance Program (TAP) and other State student aid programs and implements the requirement that the Commissioner promulgate certain regulations.
- Education Law §603: Requires the BOR to report annually to the Governor and the Legislature on its evaluation of State student financial aid programs.
- Education Law §607 and 8 NYCRR Part 53: Requires that higher education institutions include in catalogs information on institutional and financial aid for students.
- Education Law §612 and 8 NYCRR §55.3: Establishes the Liberty Partnership Grant Program of aid administered by the Commissioner to higher education institutions or consortia to provide support services to students in public and non-public schools who have a high risk of dropping out.
- Education Law §661(4), as added by L.2007 c.57, and 8 NYCRR 145-2.15: Requires the BOR to identify acceptable federally approved Ability-to-Benefit

tests for purposes of determining eligibility for State student financial aid of applicants who do not have a U.S. high school diploma and acceptable passing scores on such tests, and requires the Commissioner to define independent administration of such tests.

Non-Degree Schools

- Education Law §5001 and NYCRR §126.10 and NYCRR §126.13: Requires any private school which charges tuition, unless exempt under this Section, must be licensed as a non-degree proprietary school.
- Education Law §5001(4)(f) and NYCRR §§126.1 and 126.10: Provides alternative licensing procedures for non-publicly funded, for-profit ESL schools.
- Education Law §5001 and NYCRR §126.10: Annual financial statements on which to base tuition assessment are required, as are annual reports on enrollment, completion, and placement for non-degree proprietary schools.
- Education Law §5001 and NYCRR §126.10: Provides for schedule of application and renewal fees to fund the proprietary school supervision account for supervision and regulation and the Tuition Reimbursement Account ("TRA") for student protection.
- Education Law §5002 and NYCRR §§126.4, 126.5, 126.6, 126.7, 126.8, and 126.9: Defines standards for non-degree proprietary schools for facilities and equipment, admissions requirements including ability-to-benefit students, curriculum approval, teaching and management qualifications and licensure, elements of enrollment agreements and catalogs, financial viability, recordkeeping, institutional access, refund policies and tuition liability, and director responsibilities.
- Education Law §5003 and NYCRR §126.14: Defines for non-degree proprietary schools the parameters for administrative hearings, civil and criminal

penalties and sanctions, levying of fines, suspension of license, referrals to the attorney general, and the student's private right of action.

- Education Law §5004 and NYCRR §126.12: Specifies for non-degree proprietary schools the requirements for soliciting or enrolling students, along with a schedule for limited commission payments.
- Education Law §5005 and NYCRR §126.15: Requires non-degree proprietary schools to provide specific student disclosure in the student's native language, including school information and student obligation.
- Education Law §5006 and NYCRR §126.16: Provides for teach outs for non-degree proprietary schools that have closed to protect students unable to complete their programs.
- Education Law §5007 and NYCRR §126.17: Defines for non-degree proprietary schools the provisions for student complaints, refund eligibility, and for the management of the TRA.
- Education Law §5008: In the presence of a pattern of non-compliance for non-degree proprietary schools, the Commissioner may require the establishment of a trust account to protect the financial interests of the students and the TRA.
- Education Law §5009 and NYCRR §126.11: Requires for the maintenance and distribution by the Commissioner of closed non-degree proprietary school records for a period of 20 years post closure.
- Education Law §5010: Defines for non-degree proprietary schools the composition and appointments of the Council members, along with the purpose of the Council.

Aid for Independent Institutions of Higher Education

- Education Law §6401 and 8 NYCRR §§3.54, 13.10

and 150.1 – 150.2: Establishes a program of grants administered by the Commissioner to independent higher education meeting constitutional eligibility and academic requirements in support of the operation of such institutions, apportioned on the basis of earned degrees awarded (“Bundy Aid”).

- Education Law §6402 and §6403 and 8 NYCRR §150.3: Establishes a program administered by the Commissioner of grants to independent institutions operating schools of medicine or dentistry meeting constitutional eligibility and academic requirements, apportioned on the basis of capitation.
- Education Law §6405 and 8 NYCRR Subpart 145-5: Establishes a program administered by the Commissioner for reimbursement to independent higher education institutions meeting constitutional eligibility and academic requirements that participate in the federal Work-Study Program (20 U.S.C.A. §1001 et seq.) of a portion of their required institutional match of federal aid received.

Regulation by Colleges of Conduct on Campus

- Education Law §6430: Requires every higher education institution that has a campus to adopt rules for the maintenance of public order on campus and to file its rules with the Commissioner.

Opportunity for Higher Education

- Education Law §6451 and 8 NYCRR Subparts 27-1 and 152-1: Establishes a program of contracts between the Commissioner and independent higher education institutions for the enrollment and support of educationally and economically disadvantaged students.
- Education Law §6452 and 8 NYCRR Subpart 27-2 and §152-2.1: Establishes similar programs at SUNY and CUNY subject to review by the BOR.
- Education Law §6455: Establishes the Collegiate

Science and Technology Entry Program (CSTEP)of grants by the Commissioner to higher education institutions or consortia thereof to increase access by minority or disadvantaged students to programs preparing for licensure in a profession regulated by the BOR under Title VIII of the Education Law or for employment in scientific and technical fields.

Student Lending Accountability and Enforcement (SLATE)

- Education Law article 13-B, as added by L.2007 c.41: Regulates relationships of higher education institutions and certain of their employees with student-loan making entities. Requires administration, investigation, and enforcement by the Commissioner, including promulgation of regulations. Went into effect on November 30, 2007.

Accreditation

- 8 NYCRR Subpart 4-1: The BOR has been recognized by the U.S. Department of Education as a national accrediting agency for purposes of federal financial aid (under 34 CFR Part 600). The standards for institutional accreditation are set forth in subpart 4-1.
- 8 NYCRR Subpart 4-2: Authorizes the BOR to accredit teacher education programs in accordance with the standards set forth in subpart 4-2.

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Application for Provisional Authorization to Open a New York State College or University

Organizations seeking to open a New York State college, university, or other institution that offers postsecondary degree programs are subject to the rules and procedures in Section 3.58 (for-profit) or Section 3.59 (independent/non-profit) of the Rules of the Board of Regents.

The application materials contained herein represent the requirements for the submission of a written application for provisional authorization subject to the terms of Sections 3.58(c)(1) and 3.59(c)(1) of the Rules of the Board of Regents.

Eligibility

- Individuals, groups, or organizations seeking to establish an independent non-profit New York State college or university are eligible to apply through this pathway and are subject to the rules and procedures of Section 3.59 of the Rules of the Board of Regents.
- Proprietary/for-profit organizations with an educational purpose, seeking to operate as a New York State college, university or other institution with the authority to offer degree programs and confer degrees are eligible to apply through this pathway and are subject to the rules and procedures of Section 3.58 of the Rules of the Board of Regents.
- This application is not designed for organizations seeking to operate programs related to professional licensure. Organizations interested in starting a college to offer programs related to professional licensure in New York should contact the New York State Education Department's Office of Professions, Professional Education Program Review (PEPR) for more information on how to apply through that office. Please contact PEPR at oppregs@nysed.gov or 518 474-3817 ext. 360 for more information.
- This application is not designed for institutions located in another state or country that are seeking to operate in New York State. Institutions located in another state or country can apply to offer degree programs or college coursework in New York State through the Permission to Operate pathway under Section 3.56 of the Rules of the Board of Regents. For more information regarding the options for existing institutions located in another state or country contact IHEauthorize@nysed.gov.
- Public K-12 schools and school districts are not eligible for authorization to grant college credit or to offer programs that lead to postsecondary degrees conferred by the school or district. Public K-12 schools and school districts that seek to offer postsecondary credit-bearing instruction must do so in formal partnership with an existing New York State college or university with degree-conferring authority.

Initial Review Procedures

Properly submitted written applications will be reviewed by the New York State Education Department (the Department) to determine whether the applicant demonstrates sufficient initial evidence of meeting the requirements set forth in Section 3.58(b)(3) (for-profit), or Section 3.59(b) (independent/non-profit) of the Rules of the Board of Regents. The Department may elect to consult with external fiscal or program content experts in an advisory capacity to aid in its review determination.

- For those written applications that demonstrate sufficient initial evidence of meeting the requirements, the Department will notify the applicant in writing, and the applicant shall be subject to the secondary review procedures set forth in Sections 3.58(c)(2) (for-profit) or 3.59(c)(2) (independent/non-profit) of the Rules of the Board of Regents.
- For written applications that do not demonstrate sufficient initial evidence of meeting the requirements, the application will be closed without further action. In such cases, the Department will provide the applicant with the reasons for its decision in writing. Applicants whose applications are closed may submit a new application no earlier than one year after the Department's final determination to close the application.

Application Formatting

- The Proposal Narrative should be written in 12-point sans-serif font, double-spaced and using 1-inch margins from all edges.
- Charts or graphs included in the Proposal Narrative do not need to follow font size guidelines but must remain within the 1-inch margins.
- Responses in the Proposal Narrative should be organized using the exact headings and exact numbered order as the prompts identified in the Proposal Narrative Requirements.
- Every page of the Proposal Narrative should be counted and all except the title page must have a printed number in the lower right corner. The prefatory pages (Table of Contents Page, List of Attachments) page should be numbered with a lower-case Roman numeral. Beginning with Section 1. Executive Summary, pages should be numbered consecutively, with Arabic numerals, starting with Arabic numeral 1 and continuing to the end of all material presented.
- The Proposal Narrative must not exceed 100 pages in length.
- The Proposal Narrative should be one consolidated PDF, excluding attachments.

- Required Attachments should be submitted as separate PDF documents, labeled according to the Proposal Narrative instructions.

Submission Procedures

1. Prior to application submission, organizations must first submit a Notification of Intent.
2. Once the Notification of Intent is received, NYSED will acknowledge receipt of the Notification of Intent form and provide a link to register for access to a secure online application submission folder. Please note that submission of a Notification of Intent does not guarantee a specific place in the queue of received and completed applications pending review.
3. Do not submit a paper copy of the application. Once an application is ready for submission, all files should be uploaded to the application submission folder and a formal notice of application submission should be sent to IHEauthorize@nysed.gov.
4. A non-refundable, non-transferable check for \$7,000, plus \$2,500 for each additional degree program if more than one such program is requested, made payable to the New York State Education Department will be due upon submission of the application.
5. The application payment must be mailed to the address below and include:
 - o a check made out to the New York State Education Department; and
 - o a NYSED payment form (accessible in the Application for Provisional Authorization Workbook excel file).

New York State Education Department
ATTN: New Degree Authority
Office of College and University Evaluation
89 Washington Avenue, Room 960 EBA
Albany, NY 12234

Submission Checklist

A complete written application for provisional authorization includes each of the following:

- A complete, fully developed, and properly formatted Proposal Narrative;
- All Attachments A. through W., properly formatted and separately labeled;
- Completed Application for Provisional Authorization Workbook (MS Excel) including all applicable tabs; and

- Check made payable to the New York State Education Department for \$7,000 plus \$2,500 for each additional degree program if more than one such program is requested.

Notes:

1. The submission of an application for authorization and/or applicant expenditures for the purposes of seeking authorization are not guarantees that the applicant will obtain authorization or be cleared to open if authorized. Any applicant expenses or debts incurred are done so at the risk of not obtaining authorization or registration.
2. Material submitted to the NYS Education Department is accessible pursuant to the NYS Freedom of Information Law (Article 6, Public Officers Law, Sections 84-90), unless specifically exempt from release pursuant to §87(2).

Technical Assistance

Technical questions about submission requirements should be directed to IHEauthorize@NYSED.gov.

Due to NYSED's role in the review and determination of properly submitted applications, Department management and staff maintain a critical distance from applicants' pre-submission program design decisions. NYSED cannot provide assistance regarding the substance or content of an application for provisional authorization. As such, NYSED does not schedule in-person meetings or phone calls to discuss the design or content of a prospective applicant's submission.

General Evaluation Guide for the Written Application

Expected Quality of Responses	Weak and/or Disqualifying Responses
<ul style="list-style-type: none"> • Demonstrates a clear and logical connection between the applicant institution's mission and the responses to individual prompts in the application. • Demonstrates a depth of response in each section, which indicates depth of knowledge, and the skill and capability to operate quality credit-bearing postsecondary academic programs. • Demonstrates an overall clarity, coherence, and congruence between sections. • Demonstrates clear evidence that each of the criteria identified in Rules of the Board of Regents Sections 3.59(b)1-6 (non-profit); or 3.58(b)(3)i-v (for-profit) have been met. • The evidence cited or provided to support claims is valid and originates from credible sources. • The ideas and plans presented demonstrate originality, and where information or materials have been adopted/adapted, proper citation for external sources is provided. • Files are submitted with the filenames and format required in the application. 	<ul style="list-style-type: none"> • Provides opaque, or overly terse and/or surface-level responses to prompts, without depth or elaboration. • Demonstrates inconsistencies throughout one or more sections. • Demonstrates choppy or disjointed narrative that lacks clarity, coherence or congruence between sections. • Provides responses of "not applicable" to sections or submission requirements that are clearly applicable. • The information provided does not provide sufficient evidence or raises substantial questions as to whether the applicant has met the criteria identified in the Rules of the Board of Regents Sections 3.59(b)1-6 (non-profit) or 3.58(b)(3)i-v (for-profit). • Contains unoriginal or borrowed ideas and/or information without clear citation to its source (plagiarism). • Uses/cites evidence that does not originate from credible sources and methods; or draws invalid, illogical, or one-off conclusions from otherwise credible source material. • Submission is missing key information. • Contains extensive spelling and typographical errors. • Files are submitted incorrectly, and/or without conformity to the established filenames and formatting requirements.

PROPOSAL NARRATIVE REQUIREMENTS

Responses in the Proposal Narrative should be organized using the exact headings and exact numbered order as the prompts identified below.

Title Page

Provide a Title Page with the name of the proposed institution, Chief Executive Officer name and contact information, and date of submission.

Table of Contents

Provide Table of Contents pages identifying the major sections of the proposal narrative and the associated page numbers.

List of Attachments

Provide List of Attachments pages listing of all attachments that are included in the application submission and their file name.

1. Executive Overview

Provide an executive overview that includes the following:

- 1.1. Identify the applicant organization, its key members, the proposed degree-granting institution, its mission, goals, control (non-profit, for-profit) and proposed location. (If the applicant is a for-profit organization, provide as an attachment, the name and contact information of individuals with an ownership interest in the organization and specify their percent ownership).
- 1.2. Identify and describe each proposed degree program, including their purpose, goals, scope of credits to be earned, award to be received, total costs to earn an award, and any unique characteristics;
- 1.3. Summarize evidence of need in relation to data on social or economic needs, lack of similar programs in the proposed location/region, and employer demand;
- 1.4. Provide a summary profile of students likely to participate in the institution's programs, including demographic, geographic, and career stage information;
- 1.5. Provide the projected full- and part-time enrollment (total and per-program) in the program's first and fifth year of operation in New York State; and
- 1.6. Identify and describe long-term plans for growth beyond the initial programs identified.

The executive overview should not exceed five-pages in length.

Attachments required for this section:

A. Executive Overview.

Attach a separate copy of the Executive Overview in a single PDF. *(If the application proceeds to the regional consultation phase of secondary review, the Executive Overview will be shared with other institutions in the region to comply with Section 237 of the Education Law and Section 137 of Chapter 82 of the Laws of 1995.)*

B. List of Owners with Percent Ownership.

If the applicant is or seeks to be a for-profit organization, provide a list identifying the name and contact information of individuals with an ownership interest in the organization and specify their percent ownership.

2. Mission and Programs

- 2.1. Provide a mission statement that defines the core purpose and key values of the institution. The mission statement should be reflected throughout all sections of the application. If the applicant is an existing educational organization, identify any changes in organizational mission and/or define and describe how new degree authority is connected to and consistent with that mission.
- 2.2. In table format, provide the name/title of each proposed degree program, proposed degree to be awarded, and program objectives specific to each degree program. Identify any programs intended to lead to teacher, educational leader, or pupil personnel services certification. Note: The proposed degrees must be among those authorized and approved under Section 3.50 of the Rules of the Board of Regents.

3. Need

- 3.1. Describe the academic needs in New York State that are not currently being met. Provide verifiable data to support claims of need, which may include student and/or employer demand, broader social or economic need, or data on the lack of similar programs in the proposed location/region.
- 3.2. Describe how the applicant's proposed degree-granting institution and specific degree programs proposed are designed to meet needs identified in response 3.1.
- 3.3. Justify the total costs to obtain the proposed degrees in relation to employment and earning prospects, and student debt for graduates. Reference in the narrative, and include as attachments, verifiable data and other valid evidence to support claims of need in relation to employment, earnings, and student debt.

Attachments required for this section:

C. Data demonstrating evidence of need.

4. Leadership and Governance

- 4.1. Describe the proposed governance structures of the institution, including the board of trustees or board of directors (as applicable), other structures (e.g., committees, councils, etc.), and groups (e.g. faculty) that have an essential role in the governance of the institution. Include information about the roles and responsibilities of these structures, their composition, and information about how and when these structures function to set, analyze, and make decisions about overall educational policy and its implementation.
- 4.2. In table format, provide a list of proposed members of the initial board of trustees or board of directors, as well as participants in other governance structures (committee, council, Department head, etc.). Include a brief description of their qualifications. Specify the terms of members of the board of trustees or board of directors, as well as the method of appointment. The table should be structured as follows:

Table Column Headers:

- Name and Contact Information
- Current Employment
- Position or Role with the Applicant Institution
- Highest Academic Degree Earned
- Other Qualifications

- 4.3. Describe in detail, the actual content that has been developed for orienting new members. Specify the processes in place to orient new board members and for providing continuing updates for current members of the governing body of the institution.
- 4.4. Provide the actual or proposed institutional by-laws or operating codes, including written polices outlining the governance responsibilities of administration and faculty. Included in this response should be the written policies regarding situations defined by the institution as conflicts of interest, such as the presence of paid staff on the governing body.
- 4.5. Provide an overall institutional governance chart, delineating clear lines of responsibility and authority for setting the overall policies of the institution.

Attachments required for this section:

- D. Institution by-laws or operating codes.
- E. Policies outlining the governance responsibilities of the administration and faculty.
- F. Content and materials developed to orient new board members.
- G. Overall institutional governance chart.

5. Organizational Management and Administration

- 5.1. Beginning with the Chief Executive Officer, Chief Academic Officer, and Chief Financial Officer, identify the key positions in the institution's administration and describe their roles and responsibilities and how they function in a coordinated manner (the system of decision-making systems) to provide oversight and implementation of the overall educational policies of the institution.
- 5.2. Identify by name and title the individuals currently proposed to occupy or currently occupying the positions identified in response 5.1. In addition, describe their qualifications for the position, and identify the specific autonomies/authority they hold to make key decisions (e.g. hiring, promotion, program approval, budget adoption, etc.). Include their resumes or curriculum vitae in the attachments. For vacant positions, include a description of required and preferred qualifications and job duties in the attachments.
- 5.3. Provide an organizational management chart, delineating clear lines of responsibility, authority, and position-specific autonomies for implementing education policies of the institution.

Attachments required for this section:

- H. Resumes or Curriculum Vitae for individuals holding key leadership positions.
- I. Description of required and preferred qualifications, and job duties for vacant positions.
- J. Organizational management chart.

6. Institutional Assessment and Data Management

- 6.1. Identify the primary individual responsible for data collection and reporting (Director of Institutional Research) by name and title and provide their contact information. Include their resume/CV as an attachment.
- 6.2. Identify and describe the reviewing system and procedures for institutional assessment, including but not limited to the assessment of institutional goals and objectives, degree program goals and curricular objectives, and the success of students and faculty in achieving goals and objectives. Include a description of the roles and responsibilities of administration and faculty regarding institutional assessment, including lines reporting of decision-making authority from the program through to the board of trustees or directors. Additionally, include the specific methods, measures, and time intervals by which assessment results are collected, analyzed, reported, and acted upon by the institution's governing bodies and administration.
- 6.3. Describe the structures and procedures for the oversight, supervision, and evaluation of faculty teaching and research.
- 6.4. Identify the technology and data management systems in place to support institutional assessment. Attach samples of the capability of the system to

collect, analyze, and report on institutional, programmatic, and student assessment data to support institutional assessment protocols. (The cost of these systems must be reflected in the budget and budget narrative).

- 6.5. Describe the system of internal controls for ensuring accuracy and integrity in data reporting.

Attachments required for this section:

K. Resume for the Director of Institutional Research

L. Specific methods, measures, and time intervals for institutional assessment.

M. Samples of the capability of technology or data management systems to collect, analyze, and report on institutional assessment data at multiple levels.

7. Academic Technologies

- 7.1. Describe the institution's plans to offer online or blended coursework and programs and the roles that academic technologies play in meeting the institution's mission.
- 7.2. Describe any Learning Management Systems (LMS) or other technologies supporting the delivery of online or blended coursework.
- 7.3. Describe any other academic technologies available to support the delivery of classroom-based instruction and student learning.

Notes:

- a) *Institutions planning to offer online, or blended coursework will be subject to additional submission requirements and review. Should applications make it past the initial review stage, applicants will be asked to provide additional information and demonstrate capacity for online programming related to institutional support, technology support, course development, course structure, teaching and learning, social and student engagement, faculty support, student support, evaluation and assessment.*
- b) *Academic technologies presented in this application must be appropriately represented in the budget and budget narrative.*
- c) *Institutions planning to offer online, or blended coursework must include responses in the Institutional Leadership and Governance section, which demonstrate a governance structure to enable clear, effective, and comprehensive decision-making related to online and blended education.*

8. Academic and Other Support Services

- 8.1. Describe the organizational approach and method for identifying students in need of academic support services and the organizational systems and structures in place to provide academic support to students.

- 8.2. Describe the framework for academic advisement at the institution including all advising models employed and explain how it will meet the needs of your students. Include advisement policies, frequency of advisement, method of delivery, and qualifications of academic advisors and any other individuals providing academic advisement. Describe any other ways in which students are informed of their degree progress and remaining graduation requirements and at what intervals this occurs.
- 8.3. Describe other types of student support services (e.g., health or counseling services) that are made available and/or accessible to students.

9. Student Records Generation and Retention

- 9.1. Describe the structures, methods, tools, policies and protocols by which student transcripts and other student records will be regularly and systematically generated, stored, and accessed by students and by agencies or other individuals authorized by law to review such records. Specify the methods and plans for electronic storage of student records, as well as any backup solutions.
- 9.2. Describe the procedures by which the institution will verify that degree requirements have been met for each student prior to recommending them for degree conferral.

10. Institutional Policies

- 10.1. The following policies are required to be in place for any New York State degree-granting institution. These policies should be developed and adopted by the leadership and governing body of the proposed institution. Provide a table that contains responses to the information requested below. For each policy listed in the table, identify the name and title of the person or group primarily responsible for implementing and maintaining the policy. Also identify where interested parties (e.g. students, faculty, staff) can access the policy (e.g., student handbook; faculty handbook; other), citing specific pages and locations. The table should be structured as follows:

Table Title: Required Institutional Policies

Table Column Headers:

- Policy
- Name and Title of Person Responsible
- Document name, page #, where the policy is available

Table Policies (Rows) with New York State Regulatory Reference

- Academic Freedom (52.2(e)(3)(i))

- Rights and privileges of full-time faculty (52.2(e)(3)(ii))
- Rights and privileges of part-time faculty (52.2(e)(3)(ii))
- Rights and privileges of staff (52.2(e)(3)(ii))
- Working conditions (52.2(e)(3)(ii))
- Professional development (52.2(e)(3)(ii))
- Workload (52.2(e)(3)(ii))
- Appointment/Reappointment (52.2(e)(3)(ii))
- Affirmative action (52.2(e)(3)(ii))
- Evaluation of teaching and research (52.2(e)(3)(ii))
- Termination of appointment (52.2(e)(3)(ii))
- Faculty grievances/complaints (52.2(e)(3)(ii))
- Faculty responsibility to the institution (52.2(e)(3)(ii))
- Admission to the institution and each curriculum (if different (52.2(e)(3)(iii))
- Residency (52.2(e)(3)(iii))
- Graduation (52.2(e)(3)(iii))
- Awarding of credit (52.2(e)(3)(iii))
- Awarding of degrees or other credentials (52.2(e)(3)(iii))
- Grading (52.2(e)(3)(iii))
- Standards of progress (52.2(e)(3)(iii))
- Payment of fees (52.2(e)(3)(iii))
- Refunds (52.2(e)(3)(iii); 53.3(c))
- Withdrawals (52.2(e)(3)(iii))
- Standards of conduct (52.2(e)(3)(iii))
- Disciplinary measures (52.2(e)(3)(iii))
- Student grievances/complaints (52.2(e)(3)(iii))
- Academic advisement (52.2(e)(5))
- Conduct on Campuses (Education Law Article 129-A)
- Sexual Assault, Dating Violence, Domestic Violence and Stalking Prevention and Response Policies and Procedures (Education Law Article 129-B)

10.2. Include fully developed copies of the faculty handbook, student handbook, and any other key policy documents referenced above.

Attachments required for this section:

N. Faculty Handbook

O. Student Handbook

P. Other policy documents that contain required policies or student information.

11. Information for Students

11.1. Provide a table that contains responses to the information identified in the table below. The following information must be made available to students. For each item, identify the name and title of the person primarily responsible for developing and maintaining the information. Also identify where interested parties (e.g. students, faculty, staff) can access the information. The table should be structured as follows:

Table Title: Required Information Made Available to Students

Table Column Headers:

- Type of Information
- Name and Title of Person Responsible
- Document name, page #, where the information is available

Table Policies (Rows) with New York State Regulatory Reference

- Financial assistance (state, federal, and institutional programs) (53.3 (a))
- Tuition and fees (53.3(b)(1))
- Cost of books and supplies (53.3(b)(2))
- Cost of room and board (53.3(b)(3))
- Cost of other living expenses (53.3(b)(4))
- List of degree, certificate, and diploma programs (53.3(d)(1))
- Prerequisites and requirements for completion of each degree, certificate, or diploma program (53.3(d)(2))
- The academic year each course will be taught (53.3(d)(3))
- Description of facilities, including hours of operation and holiday/vacation schedules (53.3(d)(4))
- List of faculty members (53.3(d)(5))
- Student retention (53.3(d)(6))
- Placement of graduates (53.3(d)(7))

12. Advertising, Recruitment, and Enrollment Strategies

- 12.1. Describe the advertising methods and other recruitment and enrollment activities and strategies that will be employed by the institution. Methods and strategies for advertising and recruitment should be aligned with the total costs of such activities outlined in the budget.

13. Library Resources

- 13.1. Describe the library collections and how the library collections support the proposed academic programs and the mission of the institution. Include the cost of acquiring and maintaining library collections in the budget proposal.
- 13.2. Identify the library staff members ranging from administrators to other support staff, describe their roles, and their qualifications.
- 13.3. Identify the operating hours of the library and explain how the library schedule will meet the needs of students and faculty.

Attachments required for this section:

Q. Resumes for Library Staff

14. Facilities

- 14.1.** Describe the institution's facility and equipment needs and resources, based on the proposed education programs and anticipated program enrollments.
- a. If the applicant has secured an identified facility, identify the specific location, and provide a description of classrooms, faculty offices, auditoria, laboratories, libraries, audiovisual and computer facilities, clinical facilities, studios, practice rooms, and other instructional resources sufficient in number, design, condition, and accessibility necessary to implement the educational programs and to provide student support services. Provide scaled schematics of the space. Additionally, explain how the facility will meet the needs of students and provide an assurance that it will be accessible for persons with disabilities. **OR**
 - b. If the applicant has not yet secured a specific facility, specify potential locations that are under consideration; **AND**
 - c. Identify the specifications and specific plans for classrooms, faculty offices, auditoria, laboratories, libraries, audiovisual and computer facilities, clinical facilities, studios, practice rooms, and other instructional resources sufficient in number, design, condition, and accessibility necessary to implement the educational programs and to provide student support services. Provide any approved schematics. Additionally, explain how the facility will meet the needs of students and provide an assurance that it will be accessible for persons with disabilities; **AND**
 - d. Provide a reasonable and feasible action plan and timeline for securing facilities.

Attachments required for this section:

- R. Scaled schematics of physical space

Note:

In addition to evaluating the proposed facilities for its educational soundness, the Department will analyze the reasonableness and feasibility of securing planned facilities in relation to the operating budget and budgeting assumptions within the fiscal plan for the proposed institution to determine the likelihood of achieving registration of programs.

15. Third Party Providers

- 15.1.** Provide the name and contact information of any third-party consultants or contractors that have participated in the planning, design, and submission of this application.

- 15.2. Identify and provide the contact information for any third-party providers that are planned to have a role in the content or delivery of academic programs. Describe their specific roles in relation to the faculty and administration of the institution.
- 15.3. Identify and provide the contact information for any third-party providers that are planned to have a role in the delivery of back-office services or student advisement and support services. Describe their specific roles in relation to the faculty and administration of the institution.

16. Individuals Affiliated with Prior Applications and Operations

- 16.1. Identify any individuals associated with this proposal, who have been involved with the ownership, operation, maintenance, or management of a public charter school, nursery school, kindergarten, elementary school, secondary school, non-degree postsecondary school, college, or university registered, approved or authorized by the New York State Education Department or authorized by the New York State Board of Regents. Identify the legal name, contact information, date of initial registration/authorization, and current status of each entity for which each individual has been involved.
- 16.2. Identify any individuals associated with this proposal, who have been involved in an application submitted to the New York State Education Department (other than this application) for the operation, maintenance, or management of a public charter school, nursery school, kindergarten, elementary school, secondary school, non-degree postsecondary school, college, or university to be registered, approved or authorized by the New York State Education Department or authorized by the New York State Board of Regents. Identify the date of the application submitted and the outcome or status of those applications.
- 16.3. Identify any individuals associated with this proposal, who have been involved with the ownership, operation, maintenance, or management of a public charter school, nursery school, kindergarten, elementary school, secondary school, non-degree postsecondary school, college, or university authorized in another state or country. Identify the legal name, contact information, and current status of those institutions.

17. Program-Level Information

In the narrative, provide detailed responses to the following for each proposed program.

- 17.1. Describe the purpose of the program and identify the educational and career objectives.
- 17.2. Describe how the program relates to the institutional mission.

17.3. Identify and describe the structure of the program, including course and non-course requirements (e.g., pre-requisite courses, core courses, liberal arts and sciences requirements, elective courses, comprehensive exam, capstone projects, practicums, or internships, etc.). If the program has multiple options (e.g., tracks, specializations, concentrations, etc.), provide the requirements for each.

17.4. In table format, list the courses that comprise the program including the following information, table structured as follows:

Table Columns:

- Course #
- Course Title
- Official Course Catalogue Description
- Type (e.g., pre-requisite, core course, liberal arts & sciences (LAS))
- Total Credit Hours

Include as an attachment, all course syllabi.

17.5. In chart/table form, provide an academic program schedule, identifying the actual courses to be offered each academic term, from year one through year five of the operation of the program. For each course identified, indicate the number of students expected to enroll and specify the faculty instructor by name, title, and status (full-time; adjunct).

17.6. As an attachment, in table form, identify by name, title, and experience the faculty members teaching in this program, including the following features and include all Faculty Curriculum Vitae. For currently vacant positions, provide a description of the minimum qualifications and a timeline to hire. The table should be structured as follows:

Table Columns:

- Faculty Member Name, Title, Rank, and contact information
- Current Employment
- Courses to be taught
- Highest Earned Degree, Discipline, Institution
- Additional Qualifications Demonstrating Professional Competence

17.7. As an attachment, in table format, identify by name and role, the staff members (non-faculty) that are critical to operating the program and include the resumes of these staff members. For currently vacant positions, provide a description of the minimum qualifications for the position. The table should be structured as follows:

Columns:

- Staff member name, Title, Contact Information
- Current Employment
- Role in the program
- Additional qualifications which demonstrate professional competence

- 17.8. Identify any applicable policies and procedures on transfer credits and advanced program standing.
- 17.9. If the program will grant substantial credit for learning derived from experience, describe the methods for evaluation learning and the maximum number of credits that can be awarded in this manner.
- 17.10. Identify the program-specific admission criteria.
- 17.11. Describe the method and processes by which admissions decisions are made.
- 17.12. Identify and describe all program-specific equipment required to implement the proposed program and specify which equipment the institution already possesses, and which equipment still be obtained. Provide a schedule for obtaining the necessary equipment including cost justifications (which should also be represented in the overall budget).
- 17.13. Describe how the current library collections and resources support the proposed program. If library resources must be obtained to effectively support this program, describe the plan and schedule for obtaining these resources including cost justifications (which should also be represented in the overall budget).

Attachments required for this section:

- S. [program name] Course Syllabi
- T. [program name] Faculty
- U. [program name] Staff

18. Budget and Financial Resources

- 18.1. Identify the existing financial resources of the institution, including the type of accounts and balances. In addition, provide information describing and explaining the sources of the existing financial resources of the institution.
- 18.2. Use the Budget Template tab in the Application for Provisional Authorization Workbook (MS Excel) to detail the institution's estimated expenditures and revenues for the proposed term of provisional authorization (from year 1 through year 5). Major features of the Budget Template may not be modified.
- 18.3. In the narrative, provide an explanation and discussion of key budget assumptions underlying the budget projections for each major line item and explain how the budget aligns with and supports implementation of the educational program.
- 18.4. Present viable strategies for meeting potential budget and cash flow challenges, particularly for the first year of operation. If the school

anticipates incurring debt for any reason, such as for acquisition of its facility, the budget must address the schedule for debt repayment and the budget discussion should elaborate on the repayment assumptions and plan.

- 18.5. Submit the institution's official, signed, independently audited and complete financial statements, including auditors' reports for the past three years. If the institution is a subsidiary of a parent corporation, submit *both* the institutional and parent-level corporation audited financial statements.
- 18.6. Submit as attachments, any other relevant information demonstrating the financial status and condition of the applicant institution.

Attachments required for this section:

V. Audited Financial Statements

19. Long Range Planning

- 19.1. Identify and describe long-term plans for growth beyond the initial programs identified.
- 19.2. Describe plans, if any, to seek and obtain institutional accreditation and/or participate in federal Title IV programs. Include in these plans any assumptions about the use of Title IV dollars to support the operating budget of the institution. (Budget assumptions should also be reflected in the budget section.)

20. Project Plan and Timeline

- 20.1. As an attachment, provide a project plan demonstrating the clear action steps, specific timelines, specific persons responsible by name and title, and specific deliverables essential for the effective start-up of the institution. Furthermore, describe the actions required throughout the provisional term to reach full capacity. (e.g., recruiting, hiring, and training of faculty, securing facilities, securing approvals including program registration, student orientations and onboarding, regular program and institutional assessment actions, etc.)

Attachments required for this section:

W. Project Plan and Timeline

VES

1. How would you evaluate for-profit colleges? What metrics would you use?

The US Education Department provides data on student outcomes and college revenue and spending.

2. What metrics would you recommend for establishing a performance scorecard for each school?

Readily available federal data such as used on US Education Department's College Scorecard, which includes graduation rates, salaries 10 years after college, student debt, and student default rates.

3. Would federal "Gainful Employment" metrics be appropriate for New York State?

Yes. VES believes that the US. Department of Education's rule on Gainful Employment, which requires vocational programs at for-profit higher education institutions and non-degree programs at community colleges to meet minimum thresholds with respect to debt-to-income rates of their graduates at the risk of losing access to federal financial aid, would be appropriate for New York State.

4. What limits would you recommend be placed on marketing and advertising expenditures as a portion of the operating budget?

VES believes that a veteran's hard-earned GI Bill should be spent educating the veteran, not spent on TV ads and call centers to recruit the next batch of veterans. We defer to the Committee on the exact details, but the Committee might consider stating that no federal funds of any kind may be used to pay for recruiting and marketing. Let them pay for it with their own resources, not the GI Bill.

5. How would you describe the effectiveness of the oversight role of SED's BPSS and what changes would you recommend?

Defer to other panelists. This is a technical question about the state oversight agency.

6. Should the funds available from the Department of Veterans Affairs be included as part of the 90% public source of money?

Yes, of course. Under the current law, for-profit colleges may not receive more than 90 % of their revenues from federal aid. Department of Veterans Affairs (VA) and Department of Defense (DOD) funds are currently counted as private dollars on the 10 % side, which results in the aggressive recruitment of veterans and servicemembers. It has been well documented that veterans and servicemembers are targeted for deceptive and aggressive recruiting practices because of this loophole, and in December 2016, the Department of Education issued a report that 191 colleges received more than 90 % of their revenue through federal student aid, GI Bill benefits, and DOD educational programs. VES supports including VA and DOD funds as part of the 90% public source of money and closing the 90/10 loophole.

7. What sanctions for non-compliance are appropriate?

New York should refuse to approve any college that fails to abide by closing the 90/10 loophole.

8. What are the best mechanisms available to protect students who are taking online courses? How would you evaluate the courses?

Defer to others on the panel. But US Education Department student outcomes metrics are a good starting point for the Committee to consider.

Madam Chairwoman, distinguished members of the Committee,

I thank you for the time to speak during this hearing. As the New York Department Commander for the largest veterans organization in the country, I do not come here with an ideological agenda. We are not interested in attacking one sector of higher education or another, but rather to ask the Senate Higher Education Committee a simple question: how can we better come together as a state to protect Veterans and Service members transitioning to higher education, completing degree programs, and obtaining career-ready skills?

As the drafters of the original GI Bill, The American Legion's abiding imperative has been to promote policies that ensure that every single veteran or servicemember who enrolls in higher education graduates, with a credential or degree that is worth the cost and leads to meaningful employment which will allow them to lead a successful life after their time in the service.

We can report that it is a fact that veterans are often singled out and targeted with deceptive, fraudulent, and predatory college recruiting practices. The Eisenhower Administration first discovered this with the original GI Bill, and the phenomenon continues 75 years later.

The impact on veterans today is real: Thousands of veterans have filed complaints with the US Department of Veterans Affairs, including many from New York State. For example, Chanz P from Fort Drum:

"After graduating I proceeded to attempt to get a job and NO ONE would hire me or even give me a chance because I was from Wyotech. Even though I was 3rd in my class"

Because of stories like these, in 2017 our national membership passed **Resolution No. 78: Support Greater GI Bill Outcomes by Closing 90-10 Loophole.**

With the passage of this resolution, The American Legion joined veteran and military service organizations nationwide in calling for the closure of the 90/10 loophole. By exploiting this loophole, for-profit colleges count GI Bill benefits as private funds, offsetting the 90 percent cap they otherwise face on their access to federal student aid – an accounting practice that nearly two dozen state attorneys general have said “violates the intent of the law.”

As former Consumer Financial Protection Bureau Director Holly Petraeus has written, the 90/10 loophole gives for-profit colleges “an incentive to see service members as nothing more than dollar signs in uniform, and to use aggressive marketing to draw them in.” In December, a US Department of Veterans Affairs internal audit highlighted for-profit schools' deceptive advertising campaigns used to recruit veterans, and warned that the government will waste \$2.3 billion over the next five years if changes are not made to reel in the abuse.

In addition to the veterans who've been exploited by bad schools, we are also concerned about veterans attending schools that unexpectedly close. Thousands of veterans attended Corinthian Colleges and ITT Tech before their campuses abruptly closed, and we are receiving more and more reports on veterans who attended Argosy University and are now without any transfer options.

To add a quantitative component to the troubling closures, in December 2016 the Department of Education issued a report that 191 colleges receive more than 90 percent of their revenue from federal student aid, GI Bill education benefits, and DOD education programs.

Expanding upon this, Veterans Education Success research highlights the heavy and growing reliance of proprietary schools on such educational benefits and suggests that the sector's targeting of veterans and servicemembers has helped to soften the impact of its overall enrollment decreases.

For-profit colleges can change this practice by improving their education and appealing to employers, as DeVry demonstrated when it voluntarily closed the 90/10 loophole and reduced its overall reliance on federal student aid. Regardless of legislative action, this should be a common sense goal that for-profit schools set in order to establish quality assurance.

Even as these are federal dollars, The American Legion Department of New York asserts that our state has a critical responsibility to enforce policies and rules that protect veterans and servicemembers, especially from schools and programs that will leave them in deep debt for worthless degrees, do not lead to gainful employment, and recruit using fraudulent claims.

In conclusion, we should expect nothing less than the Empire State to lead the country in establishing innovative and meaningful accountability metrics for the quality of education, and it is critical that this includes protections for New York's student veterans. As long as military education and GI Bill funds are counted on the 10 percent side of the 90-10 rule, our veterans will have a target on their backs in the shape of a dollar sign.

Thank you for the opportunity to testify before the Committee, and I look forward to answering any questions you may have.

1. How would you evaluate for-profit colleges? What metrics would you use?

The US Education Department provides data on student outcomes and college revenue and spending

2. What metrics would you recommend for establishing a performance scorecard for each school?

Readily available federal data such as used on US Education Department's College Scorecard, which includes graduation rates, salaries 10 years after college, student debt, and student default rates.

3. Would federal "Gainful Employment" metrics be appropriate for New York State?

Yes. The American Legion has a Resolution #82, enacted at the 99th National Convention of The American Legion in August 2017. That Resolution states:

"The U.S. Department of Education's (ED) rule on Gainful Employment requires vocational programs at for-profit higher education institutions and non-degree programs at community colleges to meet minimum thresholds with respect to the debt-to-income rates of their graduates at the risk of losing access to all federal financial aid; and

WHEREAS, This requirement protects both students and taxpayers from waste, fraud and abuse by requiring schools to disclose basic information about program costs and outcomes and prevents funding for programs that consistently leave students with debts they cannot repay;

RESOLVED, By The American Legion in National Convention assembled in Reno, Nevada, August 22, 23, 24, 2017, That The American Legion support legislation and/or administrative rulemaking that protects and enforces the principles upon which Gainful Employment and Borrower Relief were drafted in previous rulemaking"

4. What limits would you recommend be placed on marketing and advertising expenditures as a portion of the operating budget?

The American Legion believes that a veteran's hard-earned GI Bill should be spent educating the veteran, not spent on TV ads and call centers to recruit the next batch of veterans. We defer to the Committee on the exact details, but the Committee might consider stating that no federal funds of any kind may be used to pay for recruiting and marketing. Let them pay for it with their own resources, not the GI Bill.

5. How would you describe the effectiveness of the oversight role of SED's BPSS and what changes would you recommend?

Will defer to other panelists. This is a technical question about the state oversight agency.

6. Should the funds available from the Department of Veterans Affairs be included as part of the 90% public source of money?

Yes, of course. The American Legion has Resolution #78, enacted at the 99th National Convention of The American Legion in August 2017. That Resolution states, in part:

"WHEREAS, The American Legion wants to ensure that student-veterans and their family members using the Post-9/11 GI Bill and military student programs achieve educational success and a positive transition to the civilian workforce; and

WHEREAS, Under current law, for-profit colleges may receive no more than 90 percent of their revenues from federal aid; and

WHEREAS, Under current law, Department of Veterans Affairs (VA) funds and Department of Defense (DOD) funds are counted as private dollars on the 10 percent side, allowing schools to count GI Bill and Department of Defense tuition assistance as private dollars on the 10 percent side, resulting in aggressive recruitment of veterans and servicemembers; and

WHEREAS, Veterans and military students are targeted for deceptive and aggressive recruiting – as documented by many major news outlets, including an Emmy-nominated PBS NewsHour expose, as well as U.S. Senate reports and two undercover U.S. Government Accountability Office investigations – because of a loophole in federal education law through which the GI Bill and DOD student program funds are able to be counted as “private funds” to offset a cap the schools face on federal funds; and

WHEREAS, In December 2016, the Department of Education issued a report that 191 colleges receive more than 90 percent of their revenue from federal student aid, GI Bill education benefits, and DOD education programs; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Reno, Nevada, August 22, 23, 24, 2017, That The American Legion expresses its strong support for legislation and federal agency action to ensure better quality and student outcomes for institutions approved for use of Department of Veterans Affairs (VA) education benefits by excluding Department of Defense and VA funds from the 90/10 calculation as defined by section 487(a) of the Higher Education Act."

7. What sanctions for non-compliance are appropriate?

New York should refuse to approve any college that fails to abide by closing the 90/10 loophole.

8. What are the best mechanisms available to protect students who are taking online courses? How would you evaluate the courses?

Will defer to others on the panel. But US Education Department student outcomes metrics are a good starting point for the Committee to consider.

**Written Testimony of Kyle Boxhorn
Western New York Law Center**

New York State Senate Higher Education Committee

My name is Kyle Boxhorn and I am a paralegal with the Western New York Law Center in Buffalo, NY. I would like to thank the Higher Education Committee Chair and members of this Committee for this opportunity to present testimony on higher education and for-profit accountability in New York State.

Our office staffs consumer law clinics, using the Civil Legal Advice and Resource Office model or CLARO, in four Western New York Counties, where we advise and represent consumers who have a variety of consumer legal problems. Attorneys from our office also help staff the Erie County Supreme Court Help Desk, where people come in for *pro se* assistance with legal problems.

In both our CLARO consumer clinics and at the help desk, we see clients who have problems stemming from their education at for-profit schools, such as an inability to secure gainful employment and defaulted student loans.

Many of the clients we see in our clinics take out student loans with the expectation of employment. Their expectations are formed by promises made to them in advertising brochures and then in person when they speak to admissions personnel at the colleges that are trying to enroll them. Though these schools utilize aggressive recruitment and marketing techniques to attract students, employment often does not result from the degrees people obtain at these schools.

We recently litigated a case for a student who attended a for-profit college and obtained a pilot's license. After our client completed flight school, he was unable to obtain employment as a pilot, and after several years of unemployment was making about \$7,000 a year as a school bus driver. The National Collegiate Student Loan Trust sued our client for over \$125,000. Fortunately, by aggressively asserting standing and limitations defenses and noticing the deposition of the securitization trust plaintiffs, we obtained discontinuances in the two cases against our client. Successes like this however are not always possible, and defense of litigation like this should not be necessary. We believe that one of the reasons the plaintiffs in that case did not respond to discovery was that the employment rate for people attending that flight school was nearly non-existent. We believe very few if any of the graduates of that school ever obtained employment. The advertisements and representations of employment should never have been made to our client.

We represented another of our clients who had four cases filed against him by National Collegiate Student Loan Trust. He also graduated from a private college and because he could not find a job was living with his father. His father was making payments on his son's loans until suffering an injury at work. When the father could no longer make payments, the loan fell into default.

While employment and graduation rates should be accurately disclosed, disclosures alone are not enough to protect students from predatory for-profit schools. Limits should be placed on the amount of money these schools can spend on advertising and recruiting students, while at the same time requiring that the schools spend substantial money on teaching and educating their students. Students deserve to obtain meaningful education that will lead to gainful employment and improve their outcomes in life, rather than taking out often crippling student loan debts to obtain education at schools that often leave them no better than off than if they had never gone to school at all. While students are left worse off and in situations where they are defaulting on their student loans at rates significantly higher than at non-profit schools, the for-profit schools are continuing to profit instead of using the dollars received from these students to improve instruction.

Current federal policy includes a 90-10 rule, which conditions federal aid eligibility on a for-profit college's ability to show that it can raise 10 percent of funding from sources besides U.S. Department of Education subsidies. Students and taxpayers expect tuition dollars to be spent educating students. The 90/10 rule is not adequate to ensure that the public money going to for-profit colleges is spent on education. Requiring that no more than 80 percent of a school's funding come from federal grants, federal loans, or from New York State's general Tuition Assistance Program (TAP) would go a long way to ensuring that these tuition dollars are spent on educating students. Schools that provide good training at a fair value will be able to attract additional sources of funding as the non-profits do. Additionally, we do not believe that GI Bill funds should be part of the 80% source of public money in determining if a for-profit college is complying with the 80/10 rule. Including GI Bill funds only incentivizes for profit colleges to target veterans.

In evaluating the performance of private for-profit colleges, we believe that "Gainful Employment" metrics should be used. A 2018 report from the Center for an Urban Future indicated that at nearly one in ten of New York State's 141 for-profit colleges (9 percent), graduates earned less than the 2015 federal poverty threshold of \$12,331. The report indicated that Bryant & Stratton College, which has six campuses across New York State - and we have a campus in Buffalo - claimed about one in six of the TAP dollars claimed by for-profit colleges. According to the U.S. Department of Education's gainful employment database, four of Bryant & Stratton's 16 programs of study failed the debt-to-earnings test, including a bachelor's degree program in criminal justice. Graduates in this program make annual loan payments of \$4,272 annually on a median salary of \$29,036, meaning that they must devote 15 percent of their annual income to repaying student loans. Not surprisingly, Bryant & Stratton students struggle with their loan balances. The report indicated that only 18 percent of Bryant & Stratton students are able to make even a single payment to their student loan principal within three years of entering repayment. We believe that TAP dollars should be denied to for-profit colleges that fail the "Gainful Employment" test.

Other metrics such as the default rate should be used in evaluating for profit colleges. And we urge you to look beyond the three-year default rate. Ben Miller, the senior director for postsecondary education at the Center for American Progress, noted that 30% of all student loan borrowers faced repayment problems. Students enrolled at for-profit colleges have a particularly hard time. Five years into repayment, 44 percent of borrowers at these schools faced some type of loan distress, including 25 percent who defaulted.

We also firmly believe that limits should be placed on the amount of money for-profit colleges should be allowed to spend on marketing and advertising. Money that students pay for tuition should be spent on education, not advertising, and we believe that for-profit schools should spend at least 50% of their revenues on instruction and learning as opposed to recruiting, advertising and marketing.

New York State needs to fill the gap created by the absence of Federal regulations by holding for-profit schools accountable and protecting the 33,000 students attending degree-granting for-profit schools and the 180,000 students in non-degree granting proprietary schools in New York. We appreciate your looking at ways to protect these students and we believe that the suggestions we have made today if adopted will help in that effort.

Thank you for the time and attention you are giving to this important topic.



**Legal
Services NYC**
DEMAND JUSTICE

April 9, 2019

Toby Ann Stavisky
Chairwoman, Committee of Higher Education
Legislative Office Building, Room 913
Albany, NY 12207

By email only to: dorman@nysenate.gov

Re: April 10, 2019 Senate Hearing concerning
Oversight of For-profit Education

Dear Chairwoman Stavisky

Thank you for inviting Legal Services NYC to testify on the important role New York can play in protecting students from predatory for-profit colleges and trade schools. Legal Services NYC believes additional disclosures will not protect New Yorkers from harmful for-profit schools that leave borrowers with large debts and no skills. Rather, students will continue to believe schools are good and working in their interest given their licensure by the Bureau of Proprietary Schools Supervision or receipt of Tuition Assistance Program (TAP) grants. Accordingly New York needs to develop a system of objective metrics that identifies harmful for-profits and then sanctions them, when appropriate, by withholding TAP eligibility or restricting student enrollment. Below are our suggestions.

Who We Are

Legal Services NYC (LSNYC) is the largest civil legal services provider in the country with offices in the Bronx, Brooklyn, Queens, Staten Island and Manhattan. For 50 years, LSNYC has provided critical legal help to low-income residents of New York City. Our organization works to

reduce poverty by challenging systemic injustice and helping clients meet basic needs for housing, access to high-quality education, health care, family stability, and income and economic security.

In the student loan context, LSNYC represents low-income New Yorkers who have defaulted on or are having trouble repaying their student loans. In the last six years, we have sued two student loan servicers, one who withheld information regarding how to get out of default to maximize its profit, and another who bombarded our client with collection calls. We have participated in two negotiated rulemakings to police predatory for-profit schools and to craft repayment plans for student loan borrowers struggling with debt. We have trained dozens of pro bono lawyers in New York City to help student loan borrower. We have eliminated hundreds of loans by filing discharge applications due to For-Profit malfeasance or the disability of the borrower. We have guided hundreds of borrowers into affordable repayment plans. And we have sued federal agencies for failing to provide due process when offsetting Social Security payments of disabled persons who owe student loan debts.

The High Price of Failure

This Committee is familiar with the poor outcomes of students who attend for-profit schools. These statistics and outcomes, however, involve real people. Every week, Legal Services NYC attorneys meet with victims of for-profit schools. Their stories are generally the same. They work at low wage jobs from which they tried to escape when they enrolled in school. Their lives were not changed by the for-profit, but for a large debt and lost time and effort that cannot be returned. Here are a few stories that illustrate the problems of for-profit education and the metrics that might be used to prevent further harm.

- In 2010, 54 year old FA read an ASA college advertisement that promised a better life via a business degree in accounting. Two days later he met a Spanish speaking recruiter at ASA who assured him he could afford ASA's tuition given his eligibility

for loans and grants. In 2013, he graduated, having paid \$40,000 in grants and loans. Despite ASA's promises of employment, he found nothing. FA now earns minimum wage as a home attendant. In 2016, FA filed a defense against repayment application seeking forgiveness of the loan due to ASA fraud with respect to job prospects and tuition. The U.S. Department of Education is sitting on his and over 100,000 similar fraud claims.¹ Federal data shows that 70 percent of ASA students earn less than a high school graduate 6 years after enrolling in school.

- In 2018, 20 year old DP, a first-generation New Yorker, searched online for a college. Her google search returned Mildred Elley, a for-profit in New York City. After typing her name and phone number into a request information box, DP was immediately called by a recruiter who set up a tour of the "campus" (an office building) the next day. Although she and her dad were told her two year associates degree as a medical assistant was free (which had a sticker price of \$32,400), in fact the documents she signed included a \$2,750 federal loans. Instruction at the school was terrible. One of her teachers never returned her work and was fired or quit. Another got "promoted" to an administrative vacancy and consequently was never prepared for class. At the end of the semester, DP and many other students dropped out of Mildred Elley. DP is now working as a waitress. Federal statistics suggest that DP's experience was not unique. 70 percent of Mildred Elley's students earn so little that they make no progress paying down their debts five years after enrolling.
- In 2010, 42 year old RB went to the for-profit, DeVry University to become a computer networker. The recruiter promised DeVry would provide hands on, individualized instruction. \$20,000

¹ As of May 1, 2018, there are 99,335 "borrower defense" claims by students pending.
<https://www.durbin.senate.gov/newsroom/press-releases/durbin-releases-shocking-new-data-on-department-of-educations-borrower-defense-application-backlog>.

later in loans and grants, RB was struggling with a math course. Although he repeatedly asked for help, none was given and he dropped out. In September 2017, the Federal Trade Commission sent RB a \$250 check as part of a settlement. The FTC had sued DeVry for lying to prospective students. DeVry settled the suit for \$100 million. RB, on the other hand, is still repaying his \$25,000 loan incurred at DeVry. Given his limited income, RB's debt is actually increasing despite monthly payments and is unlikely to never be repaid. Federal data shows that DeVry spends only 11 cents on instruction for every dollar of tuition. This partially explains why RB's calls for help with his math went unanswered.

The Questions Presented in the April 5, 2019 Invitation

1. How would you evaluate for-profit programs and what metrics would you use to make that determination?

Answer: For-profits schools should be measured by results, in particular, their ability to increase the earnings of their students. The vast majority of for-profits advertise that they are catapults to the middle class. Hence earning power, return on investment, and instructional focus are the three metrics New York could utilize to identify failing for-profits.

Metric 1: Percentage of students earning more than a high school graduate.

The Department of Education's college scorecard includes a data field (GT_28K_P*) that represent the percentage of students who enrolled at a school who are earning more than the average wage of a person with only a high school degree (\$28,000).² Treasury and the U.S. Department of

² The data and its handbook are available at <https://collegescorecard.ed.gov/data/>.

Education obtain data that creates this metric by matching actual wages of students to schools.³

Applying this metric to over 100 for-profits located in New York, one finds the following. The majority of students at 76 for-profit schools *earn less* than a high school diploma 6 years after touching the school. These 76 schools enroll 34,000 New Yorkers each year. Most of these schools are associates programs. Among these poor performing schools are four large schools. The majority of their students still earn less than a high school graduate *ten years after enrolling*. These four failing schools enroll over 13,000 New Yorkers and include: ASA college where FA spent \$40,000 on a worthless associates degree; Mildred Elley, from which DP dropped out in 2018 due to poor instruction; Bryant and Stratton (which received about \$9 million in TAP in 2015) and Plaza College.

Accordingly, lawmakers could use this earning metric to identify problematic schools worthy of further scrutiny and/or sanctions.

Metric 2: Repayment Rates

A second important metric is the repayment rate on a loan. The DOE reports repayment rates on its college scorecard data spread sheet in 1, 3, 5 and 7 year intervals.⁴

Repayment rate is similar to the cohort default rate, but cannot be gamed by failing schools fearful of regulatory scrutiny. Repayment rates measure the percentage of students who are paying down a dollar of principal through their monthly student loan payments.⁵ Since 2009, borrowers with

³ For example, a borrower completes a FAFSA in 2012 when enrolling at a school, say Bryant and Stratton. Six years later, her annual income along with that of the entire entering class of 2012 at Bryant Stratton is compiled by Treasury. In turn, DOE determines what percentage of that 2012 entering class at Bryant Stratton benefited from their education because their income is above the earnings of high-graduate without further education. Treasury and DOE repeat this measurement eight and ten after the student first completed the FAFSA for Bryant and Stratton.

⁴ The coding on the spread sheet is rpy_1yr, for one year into repayment, rpy_3 for year 3 and so on up to rpy_7yr.

⁵ Repayment rates are measured when the borrower is in repayment status (meaning she dropped out or graduated). If the borrower continues in school, her repayment rate is not scored. However, if a borrower takes a hardship deferment or forbearance or defaults, it is scored.

low earnings have been allowed to enroll in income driven repayment programs that enable them to make small or no payments based on their actual income. The repayment rate takes into account the use of income driven repayment, which, while helping borrowers manage their loans, also leads to life-long debt that affects credit and homeownership. A school with a poor repayment rate generally is one where the student did not get enough bounce in her earnings to justify the debt incurred.

In New York, 70 Percent of students enrolling in for-profits take out loans. The majority of the borrowers (57%) are not making progress repaying their debts. Further analysis shows that 17,000 New Yorkers attend 21 schools where 65% of the students are making no progress repaying their loans 5 years after entering repayment. These schools are Bryant and Stratton (20 % making progress), ASA College (24%), Apex (27%), Mandl (29%), Mildred Elley (29%), Plaza College (30%), the Elmira Business Institute 31%, Berk Trade and Business School(32%), New York Automotive and Diesel Institute(32%), the Allen School-Jamaica (34%), and Lincoln Technical Institute-Whitestone (34%). In contrast, 60% of the students are making progress repaying their debts at 18 for-profits that serve over 9,000 students. These successful for-profits include schools that help low income persons of color, such as the St Paul's School of Nursing-Queens, (88% minority, 53% Pell eligible.)⁶

More on Metric 2: Other metrics worth considering when reviewing Repayment Rates

Earnings are highly relevant when examining poor repayment rates. Society may want to subsidize a student loan debt that cannot be repaid when the school brings a borrower out of poverty. Hence another metric that could be considered as a safety valve when a poor repayment rate is present is median earnings over ten years (reported as MD_EARN_WNE_P10 on the college scorecard data base.) Schools that leave students unable to repay their debt (the repayment rate) need to point to future success, such as high earnings, to justify the borrower's lifelong condition of indebtedness.

⁶ Pell is a federal student grant given to very low income persons.

Unfortunately, LSNYC's analysis of the college scorecard data shows that most for-profits with low repayment rates also have low earnings. Indeed, the average earning at year 10 for the schools that failed the repayment metric (less than 50% repaying the debt) is \$26,000. There are exceptions, such as the Berk Trade and Business School in Long Island. It has a 5 year repayment rate of only 32%. However, its median 10 year earning is \$44,000, perhaps obviating the poor repayment rate.

Another safety valve for a school with a poor repayment rate is the federal loan borrowing rate of students and the median amount of that debt.⁷ For example, community colleges are so cheap that most students can pay for them with grants or out of pocket payments, not loans. Indeed, only 7.6% of students attending the five CUNY community colleges in New York City take out loans, even though 57% are so poor as to receive Pell.⁸ Accordingly, the fact that the repayment rate (41%) of those who happen to borrow is only slightly better than nearby for-profits is not worthy of New York State oversight. Similarly, low borrowing rates coupled with low debts could excuse poor repayment statistics as with the case of the SAE Institute. Its middling repayment rate of 46% is overcome by a borrowing rate of only 38% and a median debt of \$5,000 per borrower.

A metric similar to the borrowing rate that could be used in conjunction with the repayment rate is 80/20 rule (no more than 80 % of funding comes from public sources.) 80/20 is premised on the marketplace rewarding good schools with self-paying students. For example, the for-profit school, the School of Visual Arts, derives less than 25% of its revenue from federal loans. It's scored 76% on repayment and 52% on earning more than a High School diploma and hence is not the sort of program that the state would want to scrutinize.

Schools that passed the existing 90/10 rule but which would fail an 80/20 rule if it included TAP and VA benefits are worthy of scrutiny. These

⁷ Reported as PCTFLOAN and DEBT_MDN on the college scorecard data base.

⁸ Reported as PCTPELL on the college scorecard database.

include many of the same schools that had poor earnings and poor repayment rates, such as Bryant and Stratton and Mildred Elley.⁹

Metric 3: Tuition/Instruction

A final metric is how many cents on a dollar of tuition goes to instruction. The college scorecard reports per capita tuition revenue and instruction expenditure.¹⁰ By dividing instruction by revenue, one gets a sense of where dollars flow. On average, only \$0.40 of every \$1.00 of tuition paid to New York's for-profits goes to instruction, as opposed to \$0.86 at non-profits.¹¹ This translates into lower teacher salaries, and hence less attention to students and worse outcomes.

The for-profits schools that are significantly below the 40 cent average for the sector are, not surprisingly, ones where student outcomes (as noted above) are worse: Bryant and Stratton, 19.5 cents; DeVry 11 cents; Jamestown Business College, 21 cents; Apex 18 cents; Elmira Business Institute 22 cents.

Measuring where tuition dollars go is important for another reason: recruitment. For-profits, like any school, need to fill seats to balance the budget. And while St. Francis, and LIU, and Union do this through glossy brochures and admission office visits to high schools, for-profits are far more aggressive.

For example, in December 2018, I was looking at the webpage of ASA College in Brooklyn. A pop up asked me for more information about myself. Not able to close the pop up and proceed onto their webpage, I impulsively gave my cell phone number and checked off several boxes, including one stating I was only interested in on-line education. Within 20 minutes, I received a phone call, not from ASA but from a for-profit in Waterbury Connecticut called Post University (which specializes in on-line teaching.) Thereafter, Post called daily, five days a week for three weeks. Only when I answered and told them I wasn't interested, did the daily calls stop.

⁹ Raw data on public vs private sources of income under 90/10, which can be used for 80/20 analysis, is available at <https://studentaid.ed.gov/sa/about/data-center/school/proprietary>.

¹⁰ Reported as TUITFTE and INEXPTE on the college scorecard data sheet.

¹¹ Yan Cao, The Century Foundation, *Grading New York's Colleges*, at 3 (March 23, 2018) available at <https://tcf.org/content/report/grading-new-yorks-colleges/>

3. Would federal “gainful employment” metrics be appropriate for adoption by New York State? How would it be utilized?

Federal gainful employment data identifies problematic programs of study within for-profit schools. For example, graduates of 13 of 16 programs at Bryant and Stratton were earning so little and being charged so much in tuition that they failed or were at serious risk of failing the gainful metric.¹³ Other schools such as ASA College and Mildred Elley had similar results. Schools that perform decently on the repayment and earnings metrics, as discussed above, also did well under gainful employment. E.g. Berk Trade and Business School, SAE Institute, and Monroe College, passed.

However, GE data has not been updated since January 2017 after President Trump took office. It therefore is unlikely to be of use in the near future.

4. What limits would you recommend being placed on marketing and advertising expenditures as a portion of an operating budget?

Answer: The use of grants and loans for recruitment rather than instruction is troubling. As mentioned above, the US DOE already requires all schools to report both net tuition review and instructional revenue per student.

Obtaining accurate and useful information on the recruitment budget of a for-profit seems difficult. Limiting a for-profit’s phone calls to prospective students when the school has poor outcomes, for instance, to one phone call per week, may reduce aggressive recruitment more effectively.

1243; Blagg, Kristin, (2017), “Rethinking Consumer Information in Higher Education.” Urban Institute: Washington, D.C. available at http://www.urban.org/sites/default/files/publication/91666/rethinking_consumer_information_in_higher_education_2.pdf.

¹³ Gainful employment data is available at <https://studentaid.ed.gov/sa/about/data-center/school/ge>. The data set from 2015 that was published in early 2017 has not been updated since President Trump took office.

5. How would you describe the effectiveness of the oversight role of BPSS and what changes would you recommend?

Answer: Our experience with BPSS is extremely limited. Policing predatory schools through legal investigations is expensive and ineffective. For example, DeVry settled for \$100 million an FTC lawsuit alleging it inflated its job placements. Yet RB, mentioned above, received only a \$250 payment for DeVry's wrongdoing, and remains liable for the balance of his debt. Accordingly, conditioning TAP or future enrollment to meeting metrics is a more effective means of protecting New Yorkers than law enforcement activity that would require increasing the size and budget of BPSS.

6. Should the Funds available from the Department of Veterans Affairs be included in the as part of the 90% public source of money? How would you implement it?

Answer: This is a federal question that New York probably lacks authority to address. New York can condition its TAP money to degree granting for-profits, as well as restrict the enrollment of new students at failing schools. In doing so, it can protect veterans who are often are victims of for-profit education.

7. What sanctions for non-compliance are appropriate?

Answer: Effective sanctions are strong, meaningful, and proportional. For example, New York could suspend TAP eligibility to schools that fail a combination of the metrics. New York could also restrict future enrollment of students. In some cases, a combination of both might be appropriate. A school should be allowed to file an appeal when such a determination is made. But if it does so, it must reveal the proposed sanction and appeal to all of its students, just as a corporation reveals pending litigation to prospective investors.

8. How to protect students taking online courses?

Answer: While our organization has helped many students who have incurred large debts through on-line education with for-profit schools, we have not explored how to better protect prospective borrowers, and hence cannot answer this question.

Conclusion

New York needs to identify and reduce the harm of for-profit schools that provide few skills and large debts to low income New Yorkers. Consumer disclosures are not the answer. Rather, metrics with consequence, such as TAP ineligibility and limitation on enrollment, would be a more effective approach. Such a carrot and stick approach could ensure for-profits are engines rather than barricades to social mobility and economic equality.

For further information, contact Johnson M. Tyler at 718-237-5548 or jtyler@lsnyc.org



AN ASSOCIATION OF NON-DEGREE CAREER SCHOOLS OF POST SECONDARY EDUCATION SINCE 1945
MURIEL ADLER, PRESIDENT
TERRY ZALESKI, EXECUTIVE DIRECTOR/COUNSEL
CONTACT: 845-788-5070, Fax: 845-788-5071 tzaleski@sprynet.com, www.cnyscs.com

TESTIMONY OF TERENCE ZALESKI, Executive Director/Counsel
Submitted to the New York State Senate Standing Committee on Higher Education
April 10, 2019 – Oversight of For-Profit Career Schools and Colleges

The Coalition of New York State Career Schools ("CNYSCS") is represented at this hearing by three schools from three different fields ... culinary, allied health, and building trades. The owners are dedicated to high quality education and provide programs that have high impact on students' lives. Their testimony demonstrates that the current system of laws and rules for non-degree granting schools is working.

In addition, catalogs, enrollment materials and disclosures from over two dozen CNYSCS members offering a wide array of programs have been deposited with Senate Higher Education committee staff. The level of detail, the thoroughness of information, the disclosures provided --all of these show that students are being well-served. Costs are reasonable. The levels of student debt while in school and post-graduation are modest, and in many cases are even non-existent.

Some consumer advocacy groups and veteran groups have attacked the non-degree for-profit sector in New York ... alleging various charges of misrepresentation and worthless credentials. They fail to acknowledge that students at our schools may receive a **FULL REFUND** if they have a complaint against a school which is sustained by the New York State Education Department's Bureau of Proprietary School Supervision ("BPSS"). **This refund would wipe out any debt incurred for tuition and school expenses.** When a complaint is filed with BPSS, it triggers a complete and comprehensive investigation. BPSS investigators not only look at the individual complaint, but check to be sure that the complaint does not reflect a larger problem. Student consumer protection is paramount.

Non-degree granting for-profit schools are governed by BPSS pursuant to comprehensive legislation that was enacted in 1989, and that has been strengthened since.. The legislative framework and enabling regulations have provided a robust and effective regulatory structure for New York's non-degree granting for-profit career schools. Student protection is at the heart of the framework and the oversight of BPSS is rigorous. The New York model is the most comprehensive and detailed system in the United States.

To receive a BPSS career school license, every aspect of a school's proposed operation is vetted. Curriculums, catalogs and enrollment agreements must be approved. All teachers must satisfy special work-experience criteria and teaching methodology courses. Financial viability is judged by SED accountants. BPSS inspects all proposed classroom and administrative space, and it even specifies the number of students that can be in each class for a particular program. Admissions counselors are licensed, incentive compensation is prohibited, and schools have well-defined student service and job

placement procedures. Annual certified financial audits must be filed before July 1 for the preceding fiscal year. Periodic license renewals are required for curriculums, teachers, admissions counselors, and directors, along with school relicensing as well.

The budget for BPSS oversight and monitoring of the schools is provided by the schools themselves. The statute requires that one-half percent of all GROSS ANNUAL TUITION RECEIPTS ("GAT") be remitted to the BPSS Supervisory Account, a special revenue account.

In addition all schools have remitted substantial funds into a Tuition Reimbursement Account designed to make a student whole if it can demonstrate that the school violated any standard or operating procedure. The TRA assessment is as much as an additional one-half percent of GAT for a newly licensed school and, depending on the amount in the fund, all other schools might be required to pay three-tenths of a percent. Usually, a viable school will reimburse the student directly after a BPSS determination, rather than drawing down the TRA. The TRA is a special protection in case a school closes. BPSS can pursue collection of any amount that might be paid from the TRA.

As the preceding recitation of BPSS oversights reveals, many parts of the revenue stream for New York's non-degree granting for-profit institutions are determined by the state. The number of students per class, the number of classrooms, the nature and format of curriculum, and the quarters requirements ... all of these are set by the state. Even the cost of a program and the method of payment must all be spelled out in a state-approved enrollment agreement. Specific refund policies keyed to dates of withdrawal are required to be expressly stated on the enrollment agreement. This comprehensive regulatory system means that a school has limited ability in how it shoulders its operational expenses. Unlike public or not-for profit private institutions, It cannot expand class size or add more classrooms to try to mitigate fixed costs. There are no "survey" lecture classes at our school with 200 students and one instructor! How do the faculty ratios compare for the public and private not-for-profit institutions and us, especially if TA's and graduate assistants were excluded?

The salaries paid to teachers in non-degree granting for-profit institutions are determined by market forces. Licenses are held individually by each teacher. Teachers seek opportunities to fit their personal career goals and expectations. They are not being exploited by the salary structures in place, but, on the contrary, those structures must be competitive in the marketplace.

Fixed costs dominate most non-degree granting career schools – rent, insurance, build-out and maintenance of physical space, equipment, information technology, accounting, administration, compliance, licensing costs, and the surcharges paid BPSS for monitoring and the TRA.

Recent years have seen renewed emphasis on career education. More pathways to career success should be encouraged. The one-size, fits all college degree is no longer regarded as society's only standard of achievement. The State Education Department has been expanding its emphasis on Career and Technical Education ("CTE") and has even pioneered a high school graduation pathway that allows substitution of a Career Development and Occupational Studies ("CDOS") credential for a Regents exam.

Non-degree granting for-profit schools have been sought after by public schools to provide training to public school students while still in high school. Our schools are saving public school districts the expense of capital outlay and operational costs. This proposal threatens the existence of those schools.

A number of schools in our sector have successfully dedicated much of their mission to serving students with disabilities who are recommended for placement by vocational rehabilitation counselors through SED's ACCES-VR (Adult Career and Continuing Education Services- Vocational Rehabilitation) services. This proposal threatens the existence of those schools.

Other schools in our sector provide unique training that is indispensable in the New York metropolitan area – welding, high pressure boiler maintenance, HVAC, and stationary engineer schools – this proposal threatens the existence of those schools.

The need for entry-level support staff at hospitals, doctor's offices, dental offices, nursing homes, hospices, and home care is staggering. This proposal threatens the very existence of the schools that train for those careers.

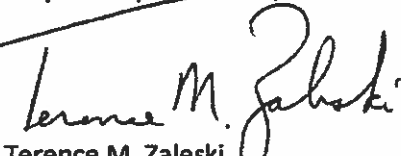
New York City, home to so much of the performing arts, depends on several non-degree granting for-profit career schools. This proposal threatens the existence of those schools.

Our schools have long provided the vast majority of trained and licensed cosmetologists, estheticians, and barbers throughout New York State.

The 180,000 men and women who choose to attend New York's licensed career schools are receiving an education that has been crafted to meet exacting state standards and fulfill occupational goals. Our schools only exist to the extent that they succeed at getting students to complete their training, graduate and be launched onto a chosen career path. Most of the programs of study at our career schools are less than one year ... some much shorter. There is real value in the certificate or diploma that the student receives.

The laws, regulations, policies, procedures and enforcement practices through BPSS are more than sufficient. Additional regulations could burden these schools so heavily that many would be forced to close, thereby eliminating opportunities for a career. CNYSCS hopes that the testimony of its representatives and the additional materials on file will be helpful to the Committee. Please do not hesitate to contact us for additional information.

Respectfully submitted,



Terence M. Zaleski
Executive Director/Counsel



5 Penn Plaza, Suite #2375 | New York, NY 10001 | 212-243-5081

April 8, 2019

My name is Joseph Monaco. I have been an owner and operator of non-degree granting for-profit career schools in New York State since 1981. I have purchased, sold and started quality schools here in New York State for over 35 years. Currently I operate five culinary schools located in Buffalo, Poughkeepsie, New York City and White Plains.

As part of its training mission, my schools have successfully focused on serving populations recovering from alcohol and substance abuse, ex-offenders, those with learning disabilities, people who are deaf or hearing impaired, and those with various learning disabilities. We provide tangible confidence building skills and link students with jobs ... setting student up for success. I am proud of our accomplishments and know that my schools have made a difference in thousands of lives over multiple generations.

In my 35 years, I never felt, that regardless of compliance, outcomes and student satisfaction, that I would be in a position to lose everything and actually be here testifying. I have over 50 dedicated staff, some of whom have been employed by me for 24 years. I support and acknowledge them every day because of their accomplishments and commitment to the success of our students.

We work hard to comply with all New York State laws and regulations applicable to us. We follow the policies and procedures enforced by the Bureau of Proprietary School Supervision ("BPSS"). to the point where sometimes, it feels like we are overwhelmed with regulation and oversight. In my 35 years, my schools have taught thousands of students, and we have had a total of three student complaints, and of them, two were rejected by the state. The one remaining complaint was satisfactorily resolved.

Under Article 101 of the Education Law, and the applicable regulations, we are subject to:

1. Individual teacher licensing with three years of teacher training. Only teachers who meet the mandated requirements for real-world career experience will be approved. Teacher licenses must be renewed every four years.
2. All school directors must meet statutory requirements and be approved by the Bureau. They must then complete director training in Albany. Director licenses must be renewed every four years.



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3. All curriculums must be approved and must be submitted for reapproval every four years.
4. Enrollment agreements must meet detailed standards and be approved by the Bureau .
5. Anyone that gives information to a prospective student must be licensed as an agent, approved by the Bureau before assisting prospective students.
6. Catalogs must meet stringent requirements and be approved for use.
7. Frequent class attendance with detail certification required by our instructors
8. All programs offered are covered by a statutory refund policy which is fully disclosed to the student.
9. Student progress is tightly regulated
10. Required to terminate students with 15% absences.
11. I have experiences surprise visits from BPSS
12. Investigation Bureau visits from BPSS
13. numerous re licensing visits from BPSS - as well as for years
14. complying with the annual submission of our Financial Statements
15. Graduation and Placement Rates - OEDS (Occupational Educational Data Surveys to report graduation and placements)
16. Quarterly tuition assessments (% of revenue to the state we pay for our own regulatory bureau as well as special assessments for the NY State tuition reimbursement fund)
17. Other License renewals (yearly, every two years , every 4 years for a variety of required regulated pieces of our business)

I offer this list as a way of demonstrating the high level of supervision and oversight that our schools are subject to under existing laws, regulations, and BPSS policies and procedures.



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With regard to the items you requested - Our largest School is the Culinary Tech Center - NYC and White Plains -

Revenue Budget - 2.7 million dollars annually

ACCES - VR Contract - 1,6m (62%)

Federal Title IV - 704k (27%)

Cash payments from students - 161k (6%)

Veterans funding - 111k (4.2%)

Events - 20k (1%)

Our tuition breakdown for Culinary Arts program - 6 months; 600 hours (4 months in school and required 2 month internship for graduation)

Tuition - 13950.00

Reg fee - 100.00

Books - 150.00

Uniforms, kits , knives - 595.00

Food lab fee - 1455.00

Total - 16,250.00

Our ACCES VR contract limited to 10k tuition and 300.00 fees for each student.

Expenses - 5 highest paid

Executive VP – 170K oversight of 5 schools

Executive VP – 150K oversight of 5 schools

President/Director - NYC - 98k

Director of Culinary Faculty /Instructor - 76k

Director - White Plains - 68k

Faculty - 5 highest paid - all Instructor Mon- Fri Director of Culinary Faculty /Instructor - 76k

Culinary Instructor White Plains - 60k

Culinary Instructor - NYC - 56k

Culinary Instructor NYC - 53k'

Hospitality Instructor - 48k (less than 40 hrs per week)

Misc Salaries -

Registrar - PT - 31k



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Admission Director - 56k

Director of Placement - 60k

Federal Financial Aid Director - 52k
Students AR - 35k
Assistant clerical - 22k

Rent / Utilities - 417k (15% of total expenses) (90% of rentable space allocated to instruction with regard to classrooms , kitchens)

Advertising - 132k (4%)

What you also need to know -

Student Supplies - Books, Uniforms, Food , Repairs, etc - 327k (12% of total expenses)

Professional Fees , Dues, Taxes - 151k (5%)

Summary -

Revenue - 2.7

Admin - 370k (13%)

Faculty 306K (12%)

Misc Sal 140k (5%)

Rent /Utilities - 417k (15%)

Student Supplies - 327k (12%)

Advertising - 132k (4%)

Professional Fees/Dues - 151k (5%)

STUDENT OUTCOMES -

2018 GRADUATION RATE - 81%

2018 PLACEMENT RATE - 87%

Enrollment Rate 300 students/year

Debt at Graduation: About \$5000. (<20% of students)

Debt while in school: About \$5000 (<20% of students)

TRANSPARENCY -

Please view - Culinarytechcenter.edu

INCOME TOWARDS INSTRUCTION -

2.7 Revenue



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306k Faculty salaries - (12%)
327k Student Supplies - (12%)
354k (85% of rent /utilities) (13%)
296k (80% of Admin /counseling /support services) (11%) 151k
Professional Fees/Dues) (6%)

1.434k (52%)

There certainly is more than just salaries to be considered as instructional costs -

New York State Higher Ed Committee focus -

- Understanding the real deficiencies at the secondary education level
 - poor attendance
 - poor graduation rates
 - limited math/reading skill level
 - overaged /undercredited students who drop out

Higher Ed should focus on -

- CHOICE - Community College and College is not for everyone -
- RESPECT - the Private for Profit Career School for providing skill based training in occupations that lead to jobs and promotable careers
- Increase the accountability for ALL sectors of Higher Ed -
at a minimum , require attendance and require graduation and placement rates

For 35 years i have been proud of our place in the Higher Education Community - I have been proud of my staff, my students for the success they have achieved - I just wish ALL sectors were held to the same standards for compliance , student satisfaction and outcomes as we have been for years .

Respectably submitted -

Joseph S. Monaco

**The Refrigeration Institute, Inc.
545 Eighth Avenue, 2nd Floor
New York, NY 10018
1-212-244-2588
fstalty@aol.com**

I am Frank Talty. I come to you today with the intention of showing you the reality of being a Career School Owner, and answering all your questions, as the Founder and President of The Refrigeration Institute and as the Vice President of the Coalition of NYS Career Schools. I am submitting to this questioning and exposing my financials for no personal gain but with the hope that my testimony will help the entire private for-profit non-degree granting sector and all the amazing students we serve.

When I was 6, my father, a US Army veteran, died from a brain tumor and at 16, my mother died suddenly of heart failure. At her funeral, I promised her I was going to make a positive difference in the world. I finished high school and joined the United States Navy where I trained as a Nuclear Engineer who served for six years. After receiving an honorable discharge, I spent the next few years painting apartments and bartending. Finally, I joined International Union of Operating Engineers, IUOE Local 30 and became a licensed operating engineer. I found that in addition to enjoying this work, I also loved to share my knowledge. I had found my passion. I wanted to teach in this field in a way that gave more than engineering knowledge. My hope is to have a positive impact on the lives of all my students by building their self-esteem and helping them realize their absolute potential, as well as giving them the skills they need with confidence and licensure to pursue rewarding careers, thus creating a wonderful life for them and their families. I am proud of my alumni and their incredible achievements. My goal is to make generational change.

I founded The Refrigeration Institute in 1994. For the first seven years my wife and I decided to sacrifice living off her salary while we reinvested all revenue in building the school. She joined me full time at the school in September 2001. It was not until the following month that we took our first salary from our school. During the same time period we were blessed with 5 amazing children that we have raised and are still raising, as our youngest is a junior in High School. I am very proud of them. TRI is now in its 25th year of operation and I have served for 18 years on the Board of the Coalition of New York State Career Schools, and as Vice President for the last 8 years.

We offer our classes 4 hours a day, 4 days a week, Monday through Thursday. We have a new start every seven weeks. We have day and evening classes to allow our students to cope with their adult life while still meeting their school attendance requirements – NYSED requires a minimum attendance of 85%, while the VA, Veteran's Administration, requires their students to have a minimum of 90% attendance. and FDNY requires a minimum of 95% attendance in our operating engineer's program. TRI serves and educates a diverse student body that consists of College Graduates, High School Graduates, students with HSE or High School Equivalency Diplomas, as well as some students who have never achieved a High School Diploma but have the proven ability to benefit from our training. Some of our students are Veterans attempting to transition back into civilian life and some of our Veterans suffer from problems that interfere with their learning process.

Fifteen percent of our students come to us from NYSED ACCES-VR, New York State Education Department Adult Career and Continuing Education Services Vocational Rehabilitation. In our

The Refrigeration Institute, Inc.
545 Eighth Avenue, 2nd Floor
New York, NY 10018
1-212-244-2588
fstalty@aol.com

experience, while a few of our students over the years have had just physical or learning disabilities, most have had a background in the abuse of drugs and alcohol, many times in the sale of drugs, and many have been incarcerated for related crimes. Many of these students have additional problems resulting from past drug use and the use of opioid dependence treatment such as suboxone or methadone. Additionally, their past lifestyle has caused added problems such as suspended or revoked drivers licenses with fines that need to be paid, child support money that must be resolved, and tickets or arrest warrants in other states that must be addressed. They must deal with these issues to get their lives back on track before attempting to seek gainful employment. These students are usually the hardest to teach and place, but they are the students who need our help the most. I personally mentor these and all students who need additional help.

I have never spoken about this publicly and do not intend to again after today, but as an incentive for those students to work hard to achieve their highest potential, and to help them get their lives back on track, in 2004 my wife and I started a scholarship to our Refrigerating System Operating Engineers Course in the name of a very special lady who dedicated her 33 year career to helping those students. She was Marge Tierney, the Director of ACCES-VR from 1999 until her death in a tragic apartment fire in 2003.

Her death really touched me for two reasons: Marge Tierney was a force to be reckoned with. Her work helped tens of thousands of people to be placed in jobs. I wanted her and her work to be remembered and I wanted to help as many of the same people improve their lives in some way. Giving those students advanced training at the very least, would give them a step up when it came to employment. Also, on Martin Luther King Weekend of the year she died, my wife awoke at 5am to a fire in our home and in the home of my sister and her family in the attached house next door. While we were out of our homes for seven months and lost a lot of material items, the eleven of us in our two houses that morning were lucky enough to escape unharmed. Marge Tierney's death reminded me of how fragile life is, how fortunate we were, and it gave me more of an incentive to help as many people as possible to improve their lives. To date, we have awarded scholarships totaling around \$500,000. Many of those individuals are earning over \$100,000 a year at this point and are living a comfortable life.

You asked specific questions on our financials. I will now address them. Last year, our operating budget was \$1,100,694. We cannot plan our budget as it depends on our income. Our income depends on the number of students we enroll. This is unknown until each class starts. Even then, students have one week to decide if they wish to continue before incurring any tuition fees. Income from tuition makes up 95% of our total income with the other 5% coming from registration fees, supplies, and exam fees. That's it – there is no hidden income.

You asked for the five highest paid salaries. Mine is the highest at \$97,000 a year. For many years, it was nowhere near this amount. Almost 50% of this salary is for the many hours I spend instructing and tutoring students, as well as teaching the teachers. I am licensed to teach all our courses. I am a double licensed engineer in New York City and a member of International Union of Operating Engineers, IUOE Local 30. As you can see from pages 3 and 4 of the attached Local

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30 and NYC Comptroller Document, if I was to work the bare 40-hour work week with no nights, evenings, weekends, or overtime, and having nothing to take care of except the machines while on duty, my salary would have been a minimum of \$142,563. As a Director of Engineering at many of the colleges, hospitals, hotels, and commercial facilities around New York City, a position for which I am more than qualified, my annual salary would be in the range of \$200,000, not to mention free tuition for our children had my wife stayed at St. John's University or if I accepted a position at a college or university. To keep everything running at the school, my wife and I regularly work as many as 70 hours a week over 6 to 7 days.

At my school, I am a Director, licensed by NYSED Bureau of Proprietary Schools Supervision, BPSS. As a licensed Director and school owner, my responsibilities are many. I must ensure Quarters Approval for the school, that all teachers are licensed for the classes they are teaching, that all individuals answering phones are agents licensed by NYSED. I must ensure that our enrollment agreements are being used as approved by NYSED. I write all curriculum, the daily lesson plans, and the testing, to ensure that they are consistent and in compliance with NYSED. I ensure that the teachers and students have the equipment approved for the specific curriculum and that it is in working order. I am responsible for any inspection by my NYSED Associate, which can include a complete and in-depth inspection of all our records. The buck stops with me, so I am ultimately responsible for day to day operation and long-term planning for our school. I need to provide our annual financial audit proving financial viability to NYSED. I am further responsible for submitting OEDS, Occupational Education Data Survey Annual Report and maintaining back up records on all these statistics. I am also the sole person who meets all prospective students and I assess their ability to benefit from our training. I am the school's only recruiter. After they are enrolled, I supervise the students' classroom instruction and provide any necessary tutoring. I counsel any student who is tardy or has excessive absences. I initial any failing exam and research the reason for that failure and create a plan for successful outcome with that student. I have planned, attended, and run every student graduation dinner that has taken place every seven weeks for the last twenty years. I represent the school at all State Education Department and Advisory Council Meetings, and I attend all Coalition of NYS Career School meetings.

The next highest salary is that of my wife, Patricia Talty who is also a licensed director and agent for the school. Her salary is \$74,800. However, for the first 15 years, she did not earn any more than \$42,000. Prior to joining me full time at TRI in 2001, she was the budget manager of the Facilities Department at St. John's University. At TRI, she also has filled many shoes. She is the person who does the daily cleaning of the entire school. She takes care of Accounts Receivable and Accounts Payable, as well as Human Resources and Payroll. She prepares the paperwork for all audits (Financial, Insurance, Veterans Administration, Sales Tax, and NYSED). She ensures the correct paperwork is submitted for the filing for all licenses - school, directors, agents, and instructors). She takes care of all required student paperwork - enrollments, attendance, Leave of Absence, Suspensions, Withdrawals, Tuition Refunds, Academic Records, completion certificates, OEDS annual report, ACCES-VR billing, student counseling, letters for students, and completion of HRA forms. She also answers phones and assists visitors while the receptionist is out of the

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office, at lunch, or on vacation. At times, she was almost solely responsible for student placement and still regularly assist with this. She also maintains the office, classroom, and janitorial supplies, and when the phones, network or photocopier go down, she is usually the person to make the necessary arrangements to get them back up and running as quickly as possible.

The next two highest salaries at \$59,469 and \$59,360 are for full time instructors – 32 hours of classroom instruction per week. The fifth is for our Placement Officer at \$42,225 who works 30 hours a week. She prepares students resumes, helps some students with building their computer skills, helps to set up student accounts on Indeed and other hiring sites, researches jobs, and informs graduates of same. She does some “easy apply” applications for students, communicates with prospective employers, assists Director with calls for OEDS report, and answers phones when they are exceptionally busy.

The Faculty Salaries total \$286,449. This is just salaries. Alone this represents 26.02% of the total annual income and represents approximately 50% of all salaries. Classroom and shop supplies are essential to student instruction. The annual cost of these is \$82,957. Students must be licensed to work in this field so exams costing \$2,100 should also be included.

The teachers' salaries figure above does not include our payroll taxes, general liability, disability, or workers compensation insurance. It does not include 401K costs – we match up to 4% of employees' salaries. Neither does it include Health Insurance – all employees working 30 hours per week are eligible (we pay 70% and employee pays 30%). This is expensive because we are a small business with no bargaining power.

Not included here also, but essential to student instruction, are the costs directly resulting from the need to meet NYSED regulations, to provide well lit, heated/cooled facilities. The cost of rent, cleaning classrooms and bathrooms, utilities, the repair and maintenance of building and equipment, the purchase and repair of computers and photocopier are costs directly related to the cost of instruction. In addition, without telephones, paper, and printing, we would not have contact with students when they are absent, or be able to provide them with essential handouts, letters, etc.

The only miscellaneous salary is that of the receptionist at \$40,000 and summer/part time office help to assist with filing, typing, cleaning, and shop organization, at \$11,375. The receptionist is a licensed agent and gives tours to prospective students. She also records students' grades and attendance. She prepares progress reports and transcripts and, files enrollment and academic records. She also prepares enrollment letters and letters for students' FDNY certification exams for signing by the Director.

The cost of our rent, utilities, real estate taxes, janitorial supplies, building and building equipment repairs, sanitation, and building security is \$267,666.

Our advertising is \$8,138. Our only paper advertising is The Chief Newspaper. We have a website that can be found online. One of current projects is to improve our website. We do not have a sales

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team. Most of our students come to us through friends and family, word of mouth, ACCES-VR, VA, and from online. The results speak for themselves.

Our graduation Rate is 94%. We have two courses. The first is seven months and the second is 3 ½ months. After the first course, graduates are ready to start work as an entry level refrigeration and air conditioning technician or a mechanic's helper. While \$15 to \$18 an hour is the most common starting pay rate, it can be anywhere from \$20 to \$25 an hour after a few months in the field and as a technician's skills build, it is not unusual to earn over \$38 an hour after 5 years in the field. After the second course, students are prepared to take the FDNY Refrigerating System Operating Engineers License Exam. Once passed, they are a licensed operating engineer in NYC and can work as Building Engineers, Operating Engineers or Maintenance Mechanics. The starting salary for these graduates is anywhere from \$22 to \$42 an hour, more usually around \$28 to \$33 an hour. Some of these graduates may choose to work as technicians in the field for a while before moving to a building. Either way, in just a few years, they can expect their lives to be in a much better place than when they started in our school.

By enrollment rate, if you mean how many students enroll after registering, our enrollment rate is 99% or higher. This is because we do not take registration fees from students until they have come to visit the school, been encouraged by us to look at everything else that is out there, carefully think about the time and financial commitment involved, and to figure out how they are going to pay for school. When they have accomplished this and are ready to enroll, that is when they pay their registration fee, therefore we may have 0 to 3 people a year who pay a registration fee and do not attend school.

Within the first 6 months 73% of our graduates are working in the field while another 11% go on for further education. Also, the 9.25% who are working in unrelated fields are mostly doing so by choice – some are police officers, fire fighters, or corrections officers planning a second career for their young retirement, while others are biding their time to look for promotion with their current employer, or awaiting a retirement vesting period to be met before changing jobs. As previously stated, approximately 15% of our students have incarceration, and/or drug and alcohol abuse in their background. After graduation, these individuals must often work on renewing drivers' licenses, getting certificates of relief, clearing tickets in various states where they have lived, or sometimes even completing Drug Court before they have permission to work. This can delay their start of employment. Sometimes we help them find work in unrelated fields just to help them pay off fines so they can get their Driver's License back and then build their career in the Refrigeration and Air Conditioning field for which they are trained. We have lifetime career placement, so we do not have a cut off date for our efforts to help our graduates find employment.

Normally, our students' debt at graduation is zero. This is because we offer our students in-house interest free student loans. They make a down payment at the time of enrollment and then have a monthly payment plan, with the balance due in full before course completion. ACCES-VR normally covers 100% of the cost for their consumers. Usually, the VA also pays 100% of the cost of tuition for the veteran students.

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The average debt to our students while in school is dependent on the course they take. The total cost of our seven-month mechanic's training program which includes books, tools, and shop supplies, and Federal License, is \$11,232 while our 3 ½ month operating engineer's course is \$5,100. If a student takes both courses, the debt is \$16,332. Many of our students who take both courses are earning over \$100,000 in 2 to 3 years.

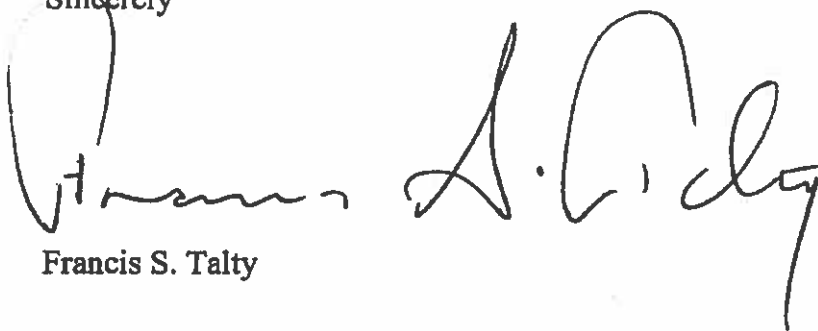
Donnelly Mechanical is a large HVAC company in NYC. I first trained their employees several years ago. Now many of our graduates have been hired by them and they recommend our training to all their new employees. I have attached a letter dated April 5, 2019 from the President of that company, John Fallon.

In 2017, Memorial Sloan Kettering Cancer Center chose our school to provide 1200 Hours of Apprenticeship Training in Plant Operations for 12 of their employees. I wrote and implemented that program specifically for them. Now MSKCC is so satisfied that they have offered a full tuition reimbursement up to \$12,000.00 per year, to any employee who wants to attend TRI. I have attached a letter from Robert Berninger, Director of Plant Operations, Energy, and Engineering, MSKCC dated April 5, 2019 regarding that training.

Like many of my colleagues in the for-profit non-degree granting education sector, I feel I was born to do this, that it is my calling in life. It is where I can combine the skills that I have learned in my life with my ability to communicate those skills to others for the purpose of enriching their lives and the lives of their children and grandchildren. I love my work and I feel I do a good job of Refrigeration and Air Conditioning Training with a strong electrical component, the same as my peers who train people in electricity, plumbing, carpentry, medical programs, culinary, computers, automotive and the beauty industry, as well as many other career paths. I hope to teach and help change lives for the rest of my working days.

Thank you for your time.

Sincerely

A handwritten signature in black ink, appearing to read "Francis S. Talty". The signature is written in a cursive style with a large, prominent initial "F".

Francis S. Talty



4/5/19

To whom it may concern,

I have known Frank Talty for over 20 years and worked with him and The Refrigeration Institute during this time to not only help recruit new talent to our company, but to also train our existing staff. The curricula offered at the school are head and shoulders above other programs in the Tri-State area and the reason we have partnered to develop our technical teams over the years. Franks approach to teaching and building relationships with his staff, students and friends is rarely found these days. I highly recommend Frank as a top tier educator, mentor and person.

Please feel free to contact me if I can provide any additional information or can help in any way

Sincerely,

A handwritten signature in black ink that reads "John Fallon". The signature is written in a cursive style with a large, sweeping 'J' and 'F'.

John Fallon
President



Memorial Sloan Kettering
Cancer Center

April 5, 2019

Re: The Refrigeration Institute (TRI)

To whom it may concern,

Memorial Sloan Kettering Cancer Center (MSK) had contracted TRI to provide training to our Apprentice in Training, Plant Operations program. MSK saw the need for NYC Licensed Refrigeration Engineers for its current and future buildings and started a program. This program has 12 people going through an 18-month program that combined 1200 hours of classroom work at TRI and practical work at six NYC sites.

TRI was chosen over other schools, due to TRI willingness to tailor the program to the needs of MSK. Other schools either wanted more students or were unwilling to tailor their program.

When asked by various people of which school to go to for the Refrigeration License, my first response is TRI.

The program is almost complete and MSK is very happy with the knowledge that TRI instilled in the students. We are evaluating our needs for future staffing and if we require more NYC Licensed Refrigeration Engineers we will partner with TRI again.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert Berninger', with a large, stylized flourish extending from the end of the signature.

Robert Berninger

Robert Berninger
Director - Plant Operations, Energy & Engineering
Facilities Operations Division
bernigr@mskcc.org

1275 York Ave, Mailbox 14, New York, NY 10065 T 212.639.6614
www.mskcc.org

NCI-designated Comprehensive Cancer Center

THE COMPTROLLER OF THE CITY OF NEW YORK
-----X

In the matter of the Complaint of

**Local #30, I.U.O.E. and
Local #15, I.U.O.E.**

**NOTICE
OF
FILING**

Against

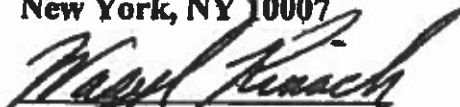
CITY OF NEW YORK OFFICE OF LABOR RELATIONS,

**For a determination of the prevailing rate of wage and
supplements in accordance with New York State Labor Law
Article Eight.**
-----X

PLEASE TAKE NOTICE that annexed hereto is a true copy of a Consent Determination that was duly filed on July 7, 2016 in the Office of the Comptroller in the matter of a complaint for the fixation of compensation of Oiler (91628), Plant Maintainer/Oiler (91649), Stationary Engineer (Steam) (91644), Stationary Engineer (Steam) (Outside NYC) (91644), Senior Stationary Engineer (Steam) (91638).

**Scott M. Stringer
Comptroller of the City of New York
One Centre Street
New York, NY 10007**

By:



**Wagy Kinach, P.E.
Director of Classifications
Bureau of Labor Law
Tel: (212) 669-2203
Fax: (212) 815-8584**

TO: ROBERT W. LINN
Commissioner
City of New York Office of Labor Relations
40 Rector Street, 4th Floor
New York, NY 10006

WILLIAM LYNN
Business Manager
Local #30, I.U.O.E.
16-16 Whitestone Expressway
Whitestone, NY 11357

THOMAS CALLAHAN
Business Manager
Local #15, I.U.O.E.
44-40 11th Street
Long Island City, NY 11101

BEFORE THE COMPTROLLER OF THE CITY OF NEW YORK

In the Matter of the Complaints of

**OILER (91628)
PLANT MAINTAINER/OILER (00435, 91649)
STATIONARY ENGINEER (STEAM) (91644)
STATIONARY ENGINEER (STEAM) (91644) (Outside New York City)
SENIOR STATIONARY ENGINEER (STEAM) (91638)**

for the fixation of their compensation as employees of the City of New York, et al., at the prevailing rate of wages pursuant to New York State Labor Law § 220 et seq.

CONSENT DETERMINATION

A Complaint under Section 220 of the New York State Labor Law, having been filed by Local Union No.15, International Union of Operating Engineers ("Complainant"), representing employees of the City of New York, et al., in the title of Oiler, and having been filed by Local Union No. 30, International Union of Operating Engineers ("Complainant"), representing employees of the City of New York, et al., in all of the above referenced titles including Oiler ("employees"), and this Consent Determination having been agreed to between the Mayor's Office of Labor Relations ("OLR") on behalf of the City of New York, et al., and the Complainant, compromising and settling certain disputes of basic rates of wages, supplemental benefits and jurisdiction on all issues of law and fact as to the titles set forth in the caption,

NOW, THEREFORE, IT IS HEREBY DETERMINED BY CONSENT that:

The compromised basic rate of wages and supplemental benefits agreed upon are and have been for the above mentioned employees of the City of New York, et al., as follows:

Wages

<u>Oiler</u>				
Period	Hourly Rate	Saturday Rate	Sunday Rate	Holiday Rate
10/8/09 -6/30/10	\$46.60	\$58.25	\$69.90	\$93.20
7/1/10 -6/30/11	\$48.13	\$60.16	\$72.20	\$96.26
7/1/11 -6/30/12	\$49.66	\$62.08	\$74.49	\$99.32
7/1/12 -6/30/13	\$51.19	\$63.99	\$76.79	\$102.38
7/1/13 -6/30/14	\$53.22	\$66.53	\$79.83	\$106.44
7/1/14 -6/30/15	\$54.87	\$68.59	\$82.31	\$109.74
7/1/15-6/30/16	\$56.02	\$70.03	\$84.03	\$112.04
7/1/16-6/30/2017	\$57.17	\$71.46	\$85.76	\$114.34

<u>Plant Maintainer/Oiler</u>				
Period	Hourly Rate	Saturday Rate	Sunday Rate	Holiday Rate
10/8/09 -6/30/10	\$46.60	\$58.25	\$69.90	\$93.20
7/1/10 -6/30/11	\$48.13	\$60.16	\$72.20	\$96.26
7/1/11 -6/30/12	\$49.66	\$62.08	\$74.49	\$99.32
7/1/12 -6/30/13	\$51.19	\$63.99	\$76.79	\$102.38
7/1/13 -6/30/14	\$53.22	\$66.53	\$79.83	\$106.44
7/1/14 -6/30/15	\$54.87	\$68.59	\$82.31	\$109.74
7/1/15-6/30/16	\$56.02	\$70.03	\$84.03	\$112.04
7/1/16-6/30/2017	\$57.17	\$71.46	\$85.76	\$114.34

<u>Stationary Engineer</u>				
Period	Hourly Rate	Saturday Rate	Sunday Rate	Holiday Rate
10/8/09 -6/30/10	\$49.59	\$61.99	\$74.39	\$99.18
7/1/10 -6/30/11	\$51.22	\$64.03	\$76.83	\$102.44
7/1/11 -6/30/12	\$52.85	\$66.06	\$79.28	\$105.70
7/1/12 -6/30/13	\$54.48	\$68.10	\$81.72	\$108.96
7/1/13 -6/30/14	\$56.64	\$70.80	\$84.96	\$113.28
7/1/14 -6/30/15	\$58.39	\$72.99	\$87.59	\$116.78
7/1/15-6/30/16	\$59.62	\$74.53	\$89.43	\$119.24
7/1/16-6/30/2017	\$60.84	\$76.05	\$91.26	\$121.68

Stationary Engineer (Outside NYC)				
Period	Hourly Rate	Saturday Rate	Sunday Rate	Holiday Rate
10/8/09 -6/30/10	\$46.65	\$58.31	\$69.98	\$93.30
7/1/10 -6/30/11	\$48.18	\$60.23	\$72.27	\$96.36
7/1/11 -6/30/12	\$49.71	\$62.14	\$74.57	\$99.42
7/1/12 -6/30/13	\$51.25	\$64.06	\$76.88	\$102.50
7/1/13 -6/30/14	\$53.28	\$66.60	\$79.92	\$106.56
7/1/14 -6/30/15	\$54.93	\$68.66	\$82.40	\$109.86
7/1/15-6/30/16	\$56.08	\$70.10	\$84.12	\$112.16
7/1/16-6/30/2017	\$57.23	\$71.54	\$85.85	\$114.46

Senior Stationary Engineer	
Period	Hourly Rate
10/8/09 -6/30/10	\$54.93
7/1/10 -6/30/11	\$56.74
7/1/11 -6/30/12	\$58.54
7/1/12 -6/30/13	\$60.34
7/1/13 -6/30/14	\$62.74
7/1/14 -6/30/15	\$64.68
7/1/15-6/30/16	\$66.04
7/1/16-6/30/2017	\$67.39

1) The aforesaid hourly rates are for Senior Stationary Engineer employed in plants operated by the City of New York heretofore classified by the Director of the Bureau of the Budget of the City of New York as "A."

2) In addition to the aforesaid rates, Senior Stationary Engineer employed at plants with the following classifications shall receive the following amounts:

Handwritten calculations and notes:

$67.39 \times 2080 = 140171.20$
 $68.54 \times 2080 = 142563.20$
 $67.15 + 1.15 = 68.30$
 $68.30 \times 2080 = 142064.00$
 39.
 3
 40 Hr. Wk.

Period	"B"	"C"	"C+"	"D"
10/8/09 -6/30/10	\$0.93	\$1.71	\$2.42	\$3.93
7/1/10 -6/30/11	\$0.96	\$1.77	\$2.50	\$4.06
7/1/11 -6/30/12	\$1.00	\$1.83	\$2.58	\$4.19
7/1/12 -6/30/13	\$1.03	\$1.88	\$2.65	\$4.31
7/1/13 -6/30/14	\$1.07	\$1.96	\$2.76	\$4.49
7/1/14 -6/30/15	\$1.10	\$2.02	\$2.85	\$4.62
7/1/15-6/30/16	\$1.12	\$2.06	\$2.91	\$4.72
7/1/16-6/30/2017	\$1.15	\$2.10	\$2.97	\$4.82

★
Raise

Overtime

Effective October 8, 2009, for all titles covered by this Consent Determination overtime after eight (8) hours actually worked per day or after forty (40) hours actually worked per week, whichever is applicable, shall be paid for in cash at the rate of time and one-half (1-1/2x) of the hourly rate or at the premium rate, if any, applicable to the day on which such overtime is performed, whichever is higher. For the purposes of this determination, paid holidays and compensatory time are considered time actually worked. Effective October 8, 2009, when an employee is called back, the employee shall continue to be credited with a minimum of four (4) hours work, to be paid in cash.

Night Shift Differential

For employees in the following titles, the night shift differential for a shift worked from 4:00 p.m. to 8:00 a.m. shall be:

Effective October 8, 2009:

Oiler	\$6.63 per shift
Plant Maintainer/Oiler	\$6.63 per shift
Stationary Engineer	\$9.18 per shift
Stationary Engineer (Outside NYC)	\$9.18 per shift

Effective October 9, 2016:

Oiler	\$0.83 per hour
Plant Maintainer/Oiler	\$0.83 per hour
Stationary Engineer	\$1.15 per hour
Stationary Engineer (Outside NYC)	\$1.15 per hour

These hourly differentials shall be prorated for scheduled work performed between 4:00 pm and 8:00 am in increments of less than one full hour.

Leave Benefits

Except as modified by this Consent Determination, the provisions set forth in Appendix A annexed hereto shall apply.

1. **Paid Holidays:** Effective October 8, 2009, Martin Luther King, Jr.'s Birthday, the third Monday in January, shall continue to be a paid holiday, in addition to those set forth in Appendix A Section VII.

2. **Annual Leave for employees in the titles Oiler, Plant Maintainer/Oiler, Stationary Engineer, Stationary Engineer (Outside NYC) and Senior Stationary Engineer:**

Effective October 8, 2009, Article I, Section 2 of Appendix A shall be modified to provide that the annual leave allowance for employees who were hired on or after July 1, 1985 shall continue to accrue as follows:

<u>Years In Service</u>	<u>Annual Allowance</u>	<u>Monthly Accrual (hh:mm)</u>
At the beginning of the employee's 1st year	6 ½ work days	04:20
At the beginning of the employee's 5th year	11½ work days	07:40
At the beginning of the employee's 8th year	16 ½ work days	11:00
At the beginning of the employee's 15th year	18 ½ work days	12:20

Effective October 8, 2009, Article I, Section 2 of Appendix A shall be modified to provide that the annual leave allowance for employees who work at the Housing Authority* who were hired

on or after July 1, 1985 shall continue to accrue as follows:

<u>Years In Service</u>	<u>Annual Allowance</u>	<u>Monthly Accrual (hh:mm)</u>
At the beginning of the employee's 1st year	13 ½	09:00
At the beginning of the employee's 5th year	21 ½	14:20
At the beginning of the employee's 9th year	27 ½	18:20

* Annual Leave at the Housing Authority includes vacation, sick, personal business and religious observance days. These provisions supersede the annual leave accrual schedule set forth in the Personnel Rules and Regulations of the New York City Housing Authority.

Effective October 8, 2009, Article I, Section 2 of Appendix A shall be modified to provide that the annual leave allowance for employees who were hired prior to July 1, 1985 shall accrue as follows:

<u>Years In Service</u>	<u>Annual Allowance</u>	<u>Monthly Accrual (hh:mm)</u>
At the beginning of the employee's 1st year	11 ½ work days	07:40
At the beginning of the employee's 9th year	16 ½ work days	11:00
At the beginning of the employee's 16th year	18 ½ work days	12:20

3. Sick Leave

Effective October 8, 2009, the sick leave allowance for all titles covered by this Consent Determination shall continue to accrue as follows: 1 day per annum.

4. Lump Sum

The City and its covered employers shall make a one-time lump sum accrual of 23 annual leave days and 5 sick leave days into the leave bank of any employee on active payroll as of the date of contract ratification. The amount of such accrual shall be pro-rated for part-time employees.

5. Other Authorized Absences With Pay

Effective October 8, 2009, for employees in the titles covered by this Consent Determination, the paid leave benefits set forth in Article III, Sections (1)(a)-(f) of Appendix A shall not apply.

Annuity Fund

The following contributions will be paid per Employee by the City of New York, et al., to a Compensation Accrual Fund, to be administered by I.U.O.E. Locals 15 and 30. This Compensation Accrual Fund benefit will be subject to a separate agreement between the City of New York et al., and the Complainant. The liability of the City of New York et al., shall in no event exceed the amount hereinabove set forth for each effective day payable, irrespective of any upward modification by reason of imposition of any taxes, liens, attorneys' fees or otherwise, and provided further that the amount of contributions by the City et al., shall be limited solely to the payment as provided herein.

Effective October 8, 2009 for employees in the titles Oiler and Plant Maintainer/Oiler: \$3.64 per hour actually worked to a maximum of \$29.12 per day.

Effective October 8, 2009 for employees in the titles Stationary Engineer, Stationary Engineer (Outside NYC) and Senior Stationary Engineer:: \$29.12 per day, per Stationary Engineer, Stationary Engineer (Outside NYC) and Senior Stationary Engineer, for each day actually worked, regardless of hours in excess of eight (8), excluding annual leave days, sick leave days, vacations and other exclusions pursuant to regulatory provisions affecting the payment thereof.

Effective July 2, 2016 for all titles covered by this agreement: \$1.05 per hour actually worked to a maximum of \$8.40 per day. In addition, effective July 2, 2016, a separate contribution to the Annuity Fund shall be made for each overtime hour worked. This contribution shall be \$25.26 per hour. This hourly contribution shall be applicable to overtime hours (i.e. outside schedule hours paid at 1.5x) and shall be prorated for work performed in increments of less than a full hour.

Welfare Fund

Effective October 8, 2009, the welfare fund contribution shall continue to be paid at the rate of \$1,575 per employee per annum. The contributions shall be paid by the City of New York

York et al., to the International Union of Operating Engineers, Local 30.

Employees who have been separated from service subsequent to the following dates:

Oiler: October 1, 1970

Plant Maintainer/Oiler: July 1, 1984

**Stationary Engineer, Stationary Engineer (Outside NYC), and Senior Stationary Engineer:
July 1, 1970**

and who were covered by a Welfare Fund at the time of such separation pursuant to a separate agreement between the City of New York and the certified union representing such employees, shall continue to be so covered subject to the provisions hereof, on the same contributory basis as incumbent employees. Contributions shall be made only for such time as said individuals remain primary beneficiaries of the New York City Health Insurance Program and are entitled to benefits paid for by the City of New York through such program; or are retirees of the New York City Employees' Retirement System who have completed five (5) years of full in time service with the City of New York, except that contributions for those employees hired after December 27, 2001 shall be governed by the provisions of §12-126 of the Administrative Code of the City of New York, as amended.

a) The provisions of this Consent Determination shall be consistent with the applicable provisions of the New York State Financial Emergency Act for the City of New York, as amended.

b) The Complainant agrees to execute a full release to the City of New York et al., for the period embraced herein, such release being set forth in the General Release and Waiver attached hereto as Exhibit "A".

c) The Complainant agrees to waive any and all interest on all differentials of basic rates of wages and supplemental benefits. It is expressly understood that such waiver, set forth in Exhibit "A" annexed hereto, shall include the waiver of any right to interest payments due pursuant to subdivision 8c of Section 220 of the Labor Law (L. 1967, c, 502, 1). However,

(1) Interest on wage increases shall accrue at the rate of three percent (3%) per annum from one hundred twenty (120) days after the filing date of this Consent Determination, or one hundred twenty (120) days after the effective date of the increase, whichever is later, to the date of actual payment,

(2) Interest on shift differentials, holiday and overtime pay shall accrue at the rate of three percent (3%) per annum from one hundred twenty (120) days following their earning, or one hundred twenty (120) days after the filing date of this Consent Determination, whichever is later, to the date of actual payment, and

(3) Interest accrued under (1) or (2) above shall be payable only if the amount of interest due to an individual Employee exceeds five dollars (\$5.00).

d) The Complainant herein shall refrain from filing any Article 78 proceedings in whole or in part with respect to any provision made herein and for any additional benefits other than those contained herein excepting that the right is reserved to bring any necessary proceedings for the enforcement of the terms of the Consent Determination.

e) The Complainant agrees to withdraw any and all objections in all of the periods embodied herein.

f) The Complainant agrees to waive any and all supplemental benefits payable under

subdivision 3 of Section 220 of the Labor Law of the State of New York, such waiver being set forth in Exhibit "A" annexed hereto, and accept in lieu thereof the supplemental benefits set forth in this Consent Determination, and as set forth in Appendix A annexed hereto as modified herein.

g) Any new employee who may be hired by the City of New York, et al., during the term of this settlement shall be required to comply with all of the terms and conditions herein upon the payment of the rates and supplemental benefits herein.

h) Any legal claims of any nature, including specifically, but not limited thereto, premium rates, holiday rates, shift rates, overtime rates or any other legal claims affecting rates and supplemental benefits of any kind whatsoever, are merged in this compromise and settlement for the period of compromise and settlement contained herein.

i) The foregoing basic rates of wages and supplemental benefits are due and payable to each and every employee of the City of New York, et al., serving in the above-referenced titles beginning as of the effective date of the complaint filed herein, and shall be applicable to all employees of the City of New York, et al., serving in the above-referenced titles who are represented by the Complainant.

j) The basic rates and supplemental benefits herein are not to be construed as true prevailing rates and supplemental benefits but shall be considered rates and benefits in compromise and settlement of all issues of law and fact.

k) It is further understood and agreed that in consideration of the compromise and

compromise and settlement of all issues of law and fact.

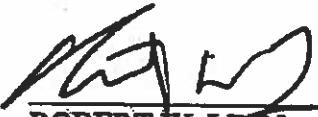
k) It is further understood and agreed that in consideration of the compromise and settlement reached herein, the complaint in this matter is hereby settled.

l) The submission of any Labor Law complaint, effective on July 1, 2017, can be made at the Bureau of Labor Law, Office of the Comptroller on or after that date.


IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

CONSENTED TO:

FOR THE CITY OF NEW YORK

BY: 
ROBERT W. LINN
Commissioner of
Labor Relations

FOR LOCAL #30, I.U.O.E.

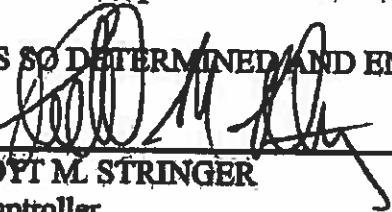
BY: 
WILLIAM LYNN
Business Manager

FOR LOCAL #15, I.U.O.E.

BY: 
THOMAS CALLAHAN
Business Manager

The basic rates and supplemental benefits agreed to herein between the parties are not to be construed as true prevailing rates and supplemental benefits, but shall be deemed substitute rates and benefits in compromise and settlement of all issues of law and fact raised in the complaint filed herein pursuant to Labor Law Section 220.8-d.

IT IS SO DETERMINED AND ENTERED


SCOTT M. STRINGER
Comptroller

Dated: 7/7/16
New York, New York

UNIT: Oiler, Plant Maintainer/Giler, Stationary Engineer (Steam),
Stationary Engineer (Steam) (Outside NYC), and Senior Stationary Engineer (Steam)

TERM: October 8, 2009 through June 30, 2017

GENERAL RELEASE AND WAIVER

Local #30, I.U.O.E. (hereinafter referred to as the "Union"), as the certified collective bargaining representative of employees in the titles, Oiler, Plant Maintainer/Oiler, Stationary Engineer (Steam), Stationary Engineer (Steam) (Outside NYC), and Senior Stationary Engineer (Steam), for and in consideration of the wage rates and supplemental benefit package negotiated and agreed upon by the Union and the City of New York as set forth in a collective bargaining agreement for the period beginning **October 8, 2009** and terminating **June 30, 2017**, a copy of which has been made available to the Union, hereby voluntarily and knowingly agrees to:

1. Waive, withdraw, relinquish, and refrain from filing, pursuing or instituting any claim for wages, supplements or other benefits, or any right, remedy, action or proceeding, which the Union has or may have under Section 220 of the Labor Law.
2. Discontinue any and all action or proceedings, if any, heretofore commenced by me or on my behalf of the above mentioned titles under and pursuant to Section 220 of the Labor Law applicable to the period **October 8, 2009 to June 30, 2017**.
3. Waive any and all interest on all differentials of basic rates of wages and supplemental benefits from **October 8, 2009 to June 30, 2017** except as expressly agreed upon in writing by the Union and the City. It is expressly understood that such waiver shall include the waiver of any right to interest payments pursuant to Subdivision 8c of Section 220 of the Labor Law (L. 1967, c. 502, Section 1).
4. Release and forever discharge the City of New York from all manner of actions, cause and causes of actions, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, Variances, trespasses, damages, judgments, extents, executions, claims and demands whatsoever in law or in equity which the Union, on behalf of employees in the above titles, shall or may have, by reason of any claim for wages or supplemental benefits pursuant to Section 220 of the Labor Law from **October 8, 2009 to June 30, 2017** except as expressly agreed upon in writing by the Union and the City for that period.

LOCAL #30, I.U.O.E.




William Lynn
Business Manager

GENERAL RELEASE AND WAIVER

Local #15, I.U.O.E. (hereinafter referred to as the "Union"), as the certified collective bargaining representative of employees in the title Oiler, for and in consideration of the wage rates and supplemental benefit package negotiated and agreed upon by the Union and the City of New York as set forth in a collective bargaining agreement for the period beginning October 8, 2009 and terminating June 30, 2017, a copy of which has been made available to the Union, hereby voluntarily and knowingly agrees to:

1. Waive, withdraw, relinquish, and refrain from filing, pursuing or instituting any claim for wages, supplements or other benefits, or any right, remedy, action or proceeding, which the Union has or may have under Section 220 of the Labor Law.
2. Discontinue any and all action or proceedings, if any, heretofore commenced by me or on my behalf of the above mentioned titles under and pursuant to Section 220 of the Labor Law applicable to the period October 8, 2009 to June 30, 2017.
3. Waive any and all interest on all differentials of basic rates of wages and supplemental benefits from October 8, 2009 to June 30, 2017 except as expressly agreed upon in writing by the Union and the City. It is expressly understood that such waiver shall include the waiver of any right to interest payments pursuant to Subdivision 8c of Section 220 of the Labor Law (L. 1967, c. 502, Section 1).
4. Release and forever discharge the City of New York from all manner of actions, cause and causes of actions, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims and demands whatsoever in law or in equity which the Union, on behalf of employees in the above titles, shall or may have, by reason of any claim for wages or supplemental benefits pursuant to Section 220 of the Labor Law from October 8, 2009 to June 30, 2017 except as expressly agreed upon in writing by the Union and the City for that period.

LOCAL #15, I.U.O.E.



Thomas Callahan
Business Manager



OFFICE OF LABOR RELATIONS

40 Rector Street, New York, N.Y. 10006-1705
nyc.gov/olr

ROBERT W. LINN
Commissioner

RENEE CAMPION
First Deputy Commissioner

CLAIRE LEVITT
Deputy Commissioner
Health Care Cost Management

MAYRA E. BELL
General Counsel

GEORGETTE GESTELY
Director, Employee Benefits Program

May __, 2016

William Lynn
Business Manager
International Union of Operating Engineers - Local 30
115-06 Myrtle Avenue
Richmond Hill, NY 11418

Thomas Callahan
Business Manager
International Union of Operating Engineers - Local 15
265 West 14th Street, Room 505
New York, NY 10011-7193

Dear Sirs:

This agreement will serve to memorialize the agreement among the parties reached in conjunction with negotiations for the Consent Determination covering the period from October 8, 2009 to June 30, 2017 for the following titles: Oiler, Plant Maintainer/Oiler, Stationary Engineer (Steam), Stationary Engineer (Outside NYC) (Steam), and Senior Stationary Engineer (Steam).

1. The parties agree that for the period beginning July 1, 2017 and continuing until a date to be determined through negotiations, the parties will negotiate one Consent Determination covering all of the above referenced titles.
2. Consistent with the terms negotiated by the parties and incorporated into the Consent Determination for the period October 8, 2009 through June 30, 2017, the following benefits, achieved previously by Oilers through bargaining, will be provided to the titles Oiler, Plant Maintainer/Oiler, Stationary Engineer, Stationary Engineer (Outside NYC), and Senior Stationary Engineer consistent with the terms of the 2007-2009 Determination:
 - Annual Welfare Fund contribution

- Hourly Annuity contribution (though the existing differences between titles on payment thresholds will be maintained)
 - Annual Leave accrual
 - Sick Leave accrual
 - Paid Holidays
 - Other Authorized Absences with Pay
3. The parties negotiated the wage rates to be paid, effective October 8, 2009, to each title covered by this agreement, based on the following formulas:
- Plant Maintainer rate will be 100% of the Oiler rate
 - Stationary Engineer (Outside NYC) rate will be 100.11% of the Oiler rate
 - Stationary Engineer rate will be 106.42% of the Oiler rate
 - Senior Stationary Engineer rate will be 117.88% of the Oiler rate
 - The "B" classification rate will be 1.70% of the Senior Stationary Engineer rate
 - The "C" classification rate will be 3.12% of the Senior Stationary Engineer rate
 - The "C+" classification rate will be 4.40% of the Senior Stationary Engineer rate
 - The "D" classification rate will be 7.15% of the Senior Stationary Engineer rate
4. It is agreed by the parties that the wage and benefit formulas in (2) and (3) resolve issues of concern to the parties and that the wage and benefit rates negotiated for the period commencing July 1, 2017 through a date to be determined by the parties will be consistent with the wage and benefit formulas in (2) and (3).
5. The parties acknowledge that the benefit and wage formulas stated above in (2) and (3) were funded internally by Local 30 and Local 15 within the overall cost of the settlement for the period October 8, 2009 through June 30, 2017.
6. The agreements contained in this agreement shall remain binding upon the parties for as long as the parties continue to negotiate in an effort to achieve a Consent Determination for the period commencing July 1, 2017 through a date to be determined by the parties. In the event the parties fail to achieve a Consent Determination for such period as to all the titles covered by this agreement, then the terms of paragraphs (1), (2), (3), and (4) of this agreement will no longer be binding upon the parties.
7. In the event any one, or more, of the parties to this agreement seek a hearing pursuant to

Section 220 of the Labor Law for a determination of wages and benefits for the period commencing July 1, 2017 on behalf of one or more titles covered by this agreement, then all parties will be released from any and all of the obligations with regard to paragraphs (1), (2), (3), and (4) of this agreement.

8. The parties recognize that the agreement includes time periods for which there has not yet been an allocation of private sector (Local 15) collective bargaining increases effective July 1, 2016. Under the parties' agreement, these increases are presumed to be allocated in the same manner as the prior increase, i.e. \$1.15 to wages and \$1.41 to supplements. The parties agree to meet to negotiate the effect of these allocations once they have been made in the private sector and may mutually agree to adjust wages and supplemental benefits for the period of July 1, 2016 through June 30, 2017 based on these allocations.
9. To the extent that the allocation in the private sector is not \$1.15 to wages and \$1.41 to supplements, and the parties are not able to agree on necessary adjustments, the City shall have the right to adjust wages and benefits for the status quo period beginning July 1, 2017 in order to conform with the prevailing rate. Any such adjustment is without prejudice to the parties' respective legal positions for the period beginning July 1, 2017.

If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,



Robert W. Linn

**AGREED AND ACCEPTED BY
LOCAL 15**



Thomas Callahan
Business Manager

**AGREED AND ACCEPTED BY
LOCAL 30**



William Lynn
Business Manager



OFFICE OF LABOR RELATIONS

40 Rector Street, New York, N.Y. 10006-1705
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Director, Employee Benefits Program

May __, 2016

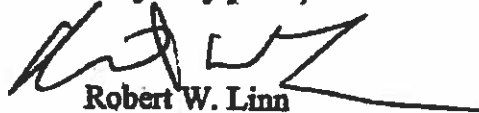
William Lynn
Business Manager
International Union of Operating Engineers - Local 30
115-06 Myrtle Avenue
Richmond Hill, NY 11418

Thomas Callahan
Business Manager
International Union of Operating Engineers - Local 15
265 West 14th Street, Room 505
New York, NY 10011-7193

Dear Sirs:

This letter is to confirm that the parties have agreed to form a labor/management committee to discuss the compensation structure and classifications for the title Senior Stationary Engineer and shall attempt to negotiate a cost-neutral restructuring of the plant classifications.

Very truly yours,



Robert W. Linn

IN THE EVENT OF ANY INCONSISTENCY BETWEEN APPENDIX A AND REQUIREMENTS IMPOSED BY FEDERAL, STATE, OR LOCAL LAW, SUCH AS THOSE THAT APPLY TO MATERNITY LEAVE, THE FEDERAL, STATE, OR LOCAL LAW SHALL TAKE PRECEDENCE UNLESS SUCH FEDERAL, STATE, OR LOCAL LAW AUTHORIZES SUCH INCONSISTENCY.

APPENDIX A

Time and Leave Benefits:

1- ANNUAL LEAVE ALLOWANCE

Section 1

A combined vacation, personal business and religious holiday leave allowance, shall be established, which shall be known as "annual leave allowance".

Section 2 **EFFECTIVE MAY 1, 1970**

Annual leave allowance shall be granted to permanent employees who work at least a 250-day year, as follows:

<u>CATEGORY</u>	<u>ANNUAL LEAVE ALLOWANCE</u>	<u>MONTHLY ACCRUAL</u>
Employees who have completed 15 years of service.	27 Work Days (5 weeks and 2 days)	2 - 1/4 days
Employees who have completed 8 years of service .	25 Work Days (5 weeks)	2 days, plus 1 day at end of of vacation year.
All other employees	20 Work Days (4 weeks)	1 - 2/3 days

Section 3

There shall be a pro-rating of the above allowance for employees who work less than a 250-day year.

Section 4

For the earning of annual leave credits, the time recorded on the payroll at the full rate of pay, and the first six months of absence while receiving Workmen's Compensation payments shall be considered as time "served" by the employee.

In the calculation of annual leave credits, a full month's credit shall be given to an employee who has been in full pay status for at least 15 calendar days during that month, provided however,

that (a) where an employee has been absent without pay for an accumulated total of more than 30 calendar days in the vacation year, he shall lose the annual leave credits earnable in one month for each 30 days of such accumulated absence even though in full pay status for at least 15 calendar days in each month during this period; and (b) if an employee loses annual leave credits under this rule for several months in the vacation year because he has been in full pay status for fewer than 15 days in each month, but accumulates during said months a total of 30 or more calendar days in full pay status, he shall be credited with the annual leave credits earnable in 1 month for each 30 days of such full pay status.

Section 5

Calculation of annual leave credits for vacation purposes shall be based on a year beginning May 1st, hereafter known as a "vacation year." All annual leave allowance of an employee to the employee's credit on April 30th and not used in the succeeding vacation year may be carried over from said vacation year to the next succeeding vacation year only, with the approval of the agency head; and any such time not used within the prescribed period shall be added to the employee's sick leave balance.

a. All annual leave accumulations to the credit of employees on May 1, 1961, which exceed the allowance permitted in Article I, Section 5, shall remain to their credit but shall be reduced to the maximum set by the Leave Regulations by May 1, 1970. This shall be accomplished in the following manner:

(1) Any accumulations in excess of 40 days shall be established as an annual leave reserve bank, which shall be in existence until May 1, 1970.

(2) Any time left in the annual leave reserve bank on May 1, 1970 shall be transferred to the sick leave balances of employees. If any such transfer causes an employee's sick leave balance to rise above the 180-day maximum established by the Leave Regulations, the sick leave surplus which exceeds 180 days shall be placed in the employees sick leave bank and shall remain to his credit, notwithstanding the provisions of Article II, Sec. 2.

(3) After May 1, 1970, the full provisions of Article I, Section 5 apply.

b. In the event, however, that the Mayor or an elected official of any department calls upon an employee to forego his vacation or any part thereof in any year, that portion thereof shall be carried over as vacation even though the same exceeds the limits fixed in Article I, Sections 5 and 5 (a) above.

Section 6

The normal unit of charge against annual leave allowance for vacation and personal business shall be one-half day. Smaller units of charge are authorized for time lost due to tardiness,

religious observance, and for the time lost by employee representatives duly designated by employee organizations operating under the Mayor's Executive Order No. 38 dated May 16, 1957, engaged in the following types of union activity:

- a. Attendance at union meetings or conventions.
- b. Organizing and recruitment
- c. Solicitation of member.
- d. Collection of union dues.
- e. Distribution of union pamphlets, circulars and other literature.

The agency is authorized to make such other exceptions as warranted.

Section 7

Earned annual leave allowance shall be taken by the employees at the time convenient to the department. In exceptional and unusual circumstances, an agency head may permit use of annual leave allowance before it is earned, not exceeding two weeks.

Section 8

Where certification of eligible lists permits, provisional and temporary employees shall have the same annual leave benefits as regular employees except that they may not be permitted to use annual leave allowances for other than religious holidays until they have completed four months of service.

Section 9

Penalties for unexcused tardiness may be imposed by the head of each agency in conformance with established rules of the agency. As a minimum, however, all unexcused tardiness both in the morning and upon return from lunch shall be charged to the annual leave allowance.

Section 10

Terminal Leave shall be allowed to employees who work at least 250 days per year at the rate of one month for every ten years of service, (a) the rates of which are fixed in accordance with a Comptroller's determination made under Section 220 of the Labor Law of the State of New York, and (b) of service under the Career and Salary Plan Leave Regulations; pro-rated for a fractional part thereof.

If the employee so selects, and as an alternative to the above method of computation, his Terminal Leave allowance may be computed on the basis of one day of Terminal Leave for each two days of unused sick leave accumulation, to a maximum of one hundred (100) days Terminal Leave Allowance. Under the latter option, Terminal Leave shall be computed on the basis of work

days, rather than calendar days.

II. SICK LEAVE ALLOWANCE

Section 1

Sick leave allowance of one day per month of service shall be credited to permanent employees, provisional employees and temporary employees and shall be used only for personal illness of the employee.

Section 2

Sick leave allowance shall be cumulative up to a maximum of 200 work-days. After this maximum is reached, no more sick leave credits may be earned by the employee except to the extent of restoring credits subsequently drawn for sick leave and thereby building up accruals again to the maximum of 200 work-days. Existing balances to the credit of employees at the time of adoption of these regulations shall remain to their credit.

Section 3

Sick leave may be granted at the discretion of the agency head and proof of disability must be provided by the employee, satisfactory to the agency head. Presentation of a physician's certificate in the prescribed form may be waived for absences up to and including three consecutive work days. In a case of a protracted disability, such certificate shall be presented to the agency head at the end of each month of continued absence.

Section 4

The normal unit for computation of sick leave shall be not less than one-half day. The agency head may authorize smaller units of charge in exceptional and unusual circumstances. Credits cannot be earned for the period an employee is on leave of absence without pay. For the earning of sick leave credits, the time recorded on the payroll at the full rate of pay, and the first six months of absence while receiving Workmen's Compensation payments shall be considered as time "served" by the employee.

In the calculation of sick leave credits, a full month's credit shall be given to an employee who has been in full pay status for at least 15 calendar days during that month, provided however, that (a) where an employee has been absent without pay for an accumulated total of more than 30 calendar days in the vacation year, he shall lose the sick leave credits earnable in one month for each 30 days of such accumulated absence even though in full pay status for at least 15 calendar days in each month during this period, and (b) if an employee loses sick leave credits under this rule for several months in the vacation year because he has been in full pay status for fewer than 15 days

in each month, but accumulates during said months a total of 30 or more calendar days in full pay status, he shall be credited with the sick leave credits earnable in one month for each 30 days of such full pay status.

Section 5

In the discretion of the agency head, employees except provisional and temporary employees, who have exhausted all earned sick leave and annual leave balances due to personal illness may be permitted to use unearned sick leave allowance up to the amount earnable in one year of service, chargeable against future earned sick leave.

Section 6

At the discretion of the agency head, permanent employees may also be granted sick leave with pay for three months after ten years of City Service, after all credits have been used. In special instances, sick leave with pay may be further extended, with the approval of the agency head. The agency head shall be guided in this matter by the nature and extent of illness and the length and character of service.

III. OTHER AUTHORIZED ABSENCES WITH PAY

Section 1

Absence of permanent employees, provisional employees and temporary employees for the reasons indicated below, shall be excusable in the discretion of the agency head without charge to sick leave or annual leave balances, upon submittal of evidence satisfactory to the agency head:

- a. Absence not to exceed four work-days in the case of death in the immediate family. Family shall be defined for this purpose as spouse; natural, foster, step-parent, child, brother or sister; father-in-law or mother-in-law; or any relative residing in the household.
- b. For Jury Duty. Leave for jury duty shall be granted to the employee provided that he endorses his check for jury duty to the City.
- c. For Court Attendance Under Subpoena or Court Order. Leave to attend court shall be granted when neither the employee nor anyone related to him has a personal interest in the case, and where said attendance at court is not related to any other employment of the employee.
- d. Absence required because of Health Department ruling with respect to quarantine.
- e. For attendance at New York City Civil Service examination, or for official investigation interview or appointment interview in relation to the resulting eligible list.

f. For attendance of delegates and alternates at State or National conventions of veterans' organizations and volunteer firemen's organizations.

g. Absence by employee representatives, duly designated by employee organizations operating under the Mayor's Executive Order No. 38 dated May 16, 1957, acting on matters related to the interests of employees of their own respective departments, to negotiate with and appear before departmental and other City officials and agencies including the Board of Estimate, the City Council, and the Department of Personnel.

Section 2

Prior notice to and authorization by the agency head or his designated representative is required for absence under (b), (c), (e), (f), and (g) of Section 1 above. The employee shall give notice to the agency as soon as possible in all other cases.

Section 3

Agency heads shall grant any leave of absence with pay required by law.

IV LEAVES OF ABSENCE WITHOUT PAY

Section 1

Maternity Leave. Existence of pregnancy shall be reported by the employee, in writing, to the head of agency not later than the completion of the fourth month of pregnancy. Maternity leave of absence, commencing not later than the completion of the fifth month of pregnancy, shall be granted for a period of twelve months, and upon application of the employee, may be extended by the agency head for an additional period, not to exceed six months. Total leave for this purpose shall not exceed 18 months. An employee on maternity leave may be required to report for physical examination before resuming service.

Section 2

Leaves of absence without pay for reasons not covered in the foregoing rules may be granted to permanent employees by the agency head not to exceed one year. Extension of such leave may be granted by an agency head not to exceed an additional period of one year. Further extensions may be granted by an elected official, in an agency headed by such official, or by the City Personnel Director for agencies headed by appointed officials.

Section 3

Agencies shall grant any leave of absence without pay, such as military leave, required by law.

V. MISCELLANEOUS PROVISIONS

Section 1

Daily time records shall be maintained showing the actual hours worked by each employee.

Section 2

Upon transfer of a permanent employee, or appointment from an eligible list with continuous service in another City agency, sick leave and annual leave balances shall be transferred with the employee.

Section 3

Upon reinstatement of an employee to a permanent position, unused sick leave and vacation balance at the time of resignation or layoff, shall be restored to his credit.

Section 4

Subject to limitations of Art. I, Sec. 8 above, the annual leave allowance and the sick leave allowance herein granted shall be applicable to part-time employees on a pro-rated basis.

VI. ABSENCE DUE TO INJURY INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES

Section 1

Whenever an employee, not covered by Workmen's Compensation, is physically disabled in the performance of his official duties, the head of the agency is empowered to grant such employee a leave of absence with pay not to exceed one calendar year. In such case the employee shall be required to execute an agreement, wherein it is stipulated that, in the event that such employee makes any claim or institutes any action against any party whatsoever in relation to such disability, reimbursement in the amount of such pay shall be made to the City or the agency concerned, as the case may be, from the proceeds of the recovery by such employee but not to exceed the amount of such proceeds. Such agreement shall be in a form and manner prescribed by the Corporation Counsel or other duly empowered counsel. The Agency head may have the injured employee examined by a physician employed by the City in order to determine the extent of the employee's disability and the approval of said physician from a medical viewpoint shall be required for the time granted with pay under this rule. The agency head may require periodic medical examinations of the disabled employee to ascertain the need for continued leave of absence with pay. Notwithstanding the provisions of Article I, Section 4 and Article II, Section 5 annual and sick leave shall accrue during the first six months only of such absence, and shall be credited upon the employee's return to duty.

Section 2

The agency head is empowered to grant leave of absence with pay for the first week's absence of an employee covered by Workmen's Compensation, who is physically disabled in the performance of official duties.

Section 3

a. An employee physically disabled in the performance of his official duties who has accrued sick and/or annual leave or has been advanced credits in accordance with the Comptroller's Leave Regulations may elect one of the following, in addition to the benefits to which he is entitled under the Workmen's Compensation Law, such election to be made within the first seven calendar days of absence by the employee or someone in his behalf:

1. To receive the difference between the amount of his weekly salary and the compensation rate, provided that:

a. The injured employee or any authorized person acting in his behalf makes the request in writing, and

b. The injured employee or any authorized person acting in his behalf agrees that a pro-rated charge be made against his sick leave and/or annual leave balances equal to the number of working days of absence less the number of working days represented by the Workmen's Compensation payments, and

c. The injured employee has the necessary accrued sick leave and/or annual leave balance or has been advanced credits in accordance with the Comptroller's Leave Regulations which the supplementary pay can be charged, and

d. The injured employee was not guilty of willful gross disobedience of safety rules or willful failure to use a safety device, or was not under the influence of alcohol or narcotics at the time of injury, or did not willfully intend to bring about injury or death upon himself or another, and

e. The injured employee undergoes such medical examinations as are requested by the Workmen's Compensation Division of the Law Department and his agency; and when found fit for duty by said physicians, returns to his employment.

2. To take annual leave and receive full pay and Workmen's Compensation medical coverage, provided that:

a. The injured employee or any authorized person acting in his behalf makes the request in writing, and

b. The injured employee or any authorized person acting in his behalf agrees to have his annual leave balance charged for such absence, and

c. The injured employee has the necessary accrued annual leave balance.

3. To receive Workmen's Compensation benefits in their entirety with no charge against sick leave and/or annual leave.

b. During the period when an injured employee is receiving Workmen's Compensation and the differential to bring him to full pay, he will be carried on full-pay status and this time shall be counted for retirement benefits.

VII HOLIDAYS WITH PAY

Section I

On the following effective dates prevailing rate per diem and per annum employees shall be entitled to a day off with pay for each of the following holidays:

New Year's Day
Washington's Birthday
Lincoln's Birthday

Memorial Day
Independence Day
Labor Day

Columbus Day
Election Day
Veteran's Day

Thanksgiving Day
Christmas Day



AMAT
HEALTHCARE INSTITUTE

Austin Medical Assistant Training

My name is Beshoy Boshra and I am the President of Austin Medical Assistant Training, which is located at 70-10 Austin Street in Forest Hills, New York. Our school, started in 2017, provides training in several Allied Health fields. We are a growing school that has invested much to provide training experiences that will lead our students to success.

We help to ensure our graduates get the job opportunities they deserve. AMAT is please to help our students in their job search process, working one to one with our career service department.

Upon graduation our career service team work vigorously with our students and the hundreds of medical sites affiliated with us to get the job position the student merit.

We do not guarantee a job placement for each and every student, however; we work closely with them to provide job search and job training. We are also affiliated with an employment agency which offer many medical jobs positions.

Our graduates are never left behind. We make certain they are happy with the outcome of their chosen career.

The school is associated with Austin Medical Associates, a thriving medical practice, and is fortunate to be able to draw on the expertise and skill of its medical professionals in connection with the school's training programs.

Job Placement – Our Career Services department is dedicated to finding employment for our graduates.

Our learning model allows us to keep the cost of education low. We offer payment plans that do not require a credit check. – We have experienced instructors who are also distinguished medical professionals. Our low student to teacher ratio allows students to receive individual attention from the instructor.

Career Placement Services

AMAT, with has high job placement rates in the NY, offers personal, ongoing career assistance to its students and graduates to obtain full-time positions that are best suited to their educational specialty, interests, and abilities. Job placement assistance is lifetime for graduates.

Preparing You for Success

At AMAT, students are prepared for a rewarding new career in the shortest amount



of time without sacrificing the quality and depth of the training experience. This means they can complete their training sooner than one might think!

Practical, Hands-On Training

Students receive valuable and practical training in the school's well equipped skills labs. Medical Assistant, Phlebotomy, and Ultrasound students are exposed to supervised, real-world working experience during clinical rotations.

Small Classes

AMAT'S small classes mean a high faculty-to-student ratio that provides more one-on-one time for each student.

Flexible Class Schedules

Since many students may hold day jobs, AMAT also offers a full schedule of classes taught in the evening to allow them to work or continue a professional career while pursuing an education and making it possible for them to achieve their goals on their own terms.

FINANCE & BUDGET

1. -What is your operating budget? \$200,000.00

Austin Medical Assistant Training Budget is coming from tuition and partner capital as of today.

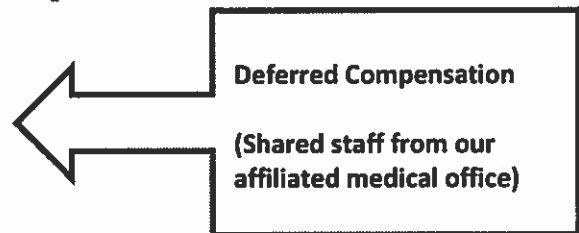
Question a and c are not applicable as we do not have any other source of income.

— **Income from tuition** 2017 \$114,395.00
2018 \$129,364.00
1/2019 to 4/2019 \$ 88,473.00

2. -Expenses

a. **Administrative salaries — five highest paid**

- *school director \$140,000.00*
- *School administrator \$120,000.00*
- *Program directors \$100,000.00*
 - a) *Medical assistant director*
 - b) *Ultrasound director*
 - c) *Certified nurse assistant director*





b. — Salaries of faculty (hourly rates)

- _ Teachers \$35 to \$50*
- _ Admission agent \$25*
- _ Financial aid agent \$28*
- _ Career service agent \$26*

c. — Miscellaneous salaries

- Cleaning services*

d. — Rent and Utilities (Monthly)

- _ Rent: \$13,700*
- _ Utilities*
 - Internet \$300*
 - Phone \$200*

**d. — Advertising — TV, radio, magazine, newspapers, Internet
\$ 2,000**

e. — Other promotional expenses

- School banners \$1000*

Students & Outcomes

- 1. What is your 2 year and 4 year graduation rate, FT & PT?**
At this time. all our certificates programs FT and PT have a graduation rate of 100%
- 2. What is your 2 year and 4 year enrollment rate, FT & PT?**
Our programs are diverse; we do not have a specific group of people enrolling in the programs. The enrollment rate may varies from 100 % regardless of age and ethnicity.
- 3. At graduation, what is percentage of students placed in a job related to career within one year; 6 months?**
At this time, depending on the program; our job placement rate has been 100%
- 4. What is the average debt of students at graduation?**
*We are a new school, As of today most of our students are paying out of their pocket. We implemented a payment plan for our students with affordable payments throughout the program and after graduation or student loan.
95 % of our students are debt free by the time they finish their programs. The average of debt the other 5% have may differ between programs. The amount is modest.*



5. What is the average debt of students while in school?

The average varies depending on the program

Note: Total tuition mentioned below is what the student owes at the beginning of the program. This amount will decrease throughout the course period as the students make monthly/weekly payments

- Medical Assistant \$ 10, 500*
- Phlebotomy \$410*
- Ekg \$410*
- DMS (Ultrasound) \$25,100*
- CNA \$ 520*
- Billing and Coding\$950*

TRANSPARENCY

1. Does your website provide clear and specific information on tuition, course of study, scholarships?

Our school website is well organized. It provides all necessary information for current, formers and prospect students. There they can find information about programs, cost, schedules, payments, scholarships, school information, teachers and much more.

2. What percentage of your income goes toward instruction?

- 70% of our income goes towards instruction. Academics is our priority.

Sincerely,

Beshoy Boshra, Director



April 8, 2019

Senator Stavisky and fellow members of the Higher Education Committee,

It is our honor and privilege to be able to give our written and verbal testimony to you today. The members of the New York State Beauty School Association (NYSBSA) have a rich history and pride in our years of educating some of the world's best in our industry. Our graduates go on to have amazing careers, which last them a lifetime, and give them the ability to work as much or as little as their lives dictate. They go on to work in salons and spas, print and other media, theater and movies. Some get the entrepreneurial bug and open their own businesses, as well as the desire to give back and become educators. The careers our graduates can acquire is nothing short of astonishing, and yet diverse enough that if their aspirations lead them to work part time, the industry provides for those positions.

The New York State Beauty School Association has been a forerunner in the Beauty Education Industry since its inception in 1933. NYSBSA monitors regulatory changes that affect our schools. We provide members with up-to-the-minute accounts and interpretations of these changes. A team of NYSBSA representatives, support member schools, educators, and students on legislative issues. With our long history and diligent work over the years we have established relationships on State and National levels. Our association and our relationships with the New York State Education Department Bureau of Proprietary School Supervision (BPSS), the national beauty school association, the American Association of Cosmetology Schools (AACCS) and the national accrediting body for beauty schools, the National Accrediting Commission of Career Arts & Sciences (NACCAS) helps us meet the future with confidence. We believe strongly in quality professionals and it all begins with education. The NYSBSA sponsors continuing education for instructors on a quarterly basis, as well as an annual

instructor seminar held in NYC every year, with speakers that not only inform but motivate our instructional teams.

Our Association members reach all corners of New York State and represent all disciplines of the Beauty Industry. We have over 30 member schools that enroll and graduate approximately 5000 students per year. The association is proud to have small mom and pop type schools in rural areas of the state and larger schools serving the student population in the inner cities. The diversity of our student body is an exact representation of the melting pot that is NY. The curricula that our students experience are regulated by the New York State Department of State Division of Licensing and are approved by the New York State Education Departments BPSS. Our main programs lead to licensure in disciplines such as Nail Specialty, Natural Hair Styling, Waxing, Esthetics and Cosmetology as prescribed in General Business Law Article 27.

GENERAL BUSINESS LAW ARTICLE 27 §400. Definitions As used in this article, unless the context requires otherwise: 1. "Secretary" means the Secretary of State. 2. "Person" means an individual, firm, limited liability company, partnership or corporation. 3. "Licensee" means a person licensed pursuant to this article to engage in the practice of natural hair styling, esthetics, nail specialty, cosmetology or waxing, or to operate an appearance enhancement business in which such practice, as herein defined, is provided to the public. 4. The practice of "nail specialty" means providing services for a fee or any consideration or exchange to cut, shape or to enhance the appearance of the nails of the hands or feet. Nail specialty shall include the application and removal of sculptured or artificial nails. 5. The practice of "natural hair styling" means providing for a fee, or any consideration or exchange, whether direct or indirect, any of the following services to the hair of a human being: shampooing, arranging, dressing, twisting, wrapping, weaving, extending, locking or braiding the hair or beard by either hand or mechanical appliances. Such practice shall not include cutting, shaving or trimming hair except that such activities are permissible to the extent that such activities are incidental to the practice of natural hair styling. Such practice shall not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair. Techniques which result in tension on hair roots such as certain types of braiding, weaving, wrapping, locking and extending of the hair may only be performed by a natural hair styling or cosmetology licensee who has successfully completed an approved course of study in such techniques. 6. The practice of "esthetics" means providing for a fee, or any consideration or exchange, whether direct or indirect, services to enhance the appearance of the face, neck, arms, legs, and shoulders of a human being by the use of compounds or procedures including makeup, eyelashes, depilatories, tonics, lotions, waxes, sanding and tweezing, whether performed by manual, mechanical, chemical or electrical means and instruments but

shall not include the practice of electrology. 7. The practice of "cosmetology" means providing the services described in subdivisions four, five and six of this section, providing service to the hair, head, face, neck or scalp of a human being, including but not limited to shaving, trimming, and cutting the hair or beard either by hand or mechanical appliances and the application of antiseptics, powders, oils, clays, lotions or applying tonics to the hair, head, or scalp, and in addition includes providing, for a fee or any consideration or exchange, whether direct or indirect, services for the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair of a human being. 8. "Appearance enhancement business" means the business of providing any or all of the services licensed pursuant to this article at a fixed location. 9. "Department" means the Department of State. 10. The practice of "waxing" means providing for a fee, or any consideration or exchange, whether direct or indirect, services to enhance the appearance of the face, neck, arms, legs, or shoulders of a human being by the removal of hair by the use of depilatories, waxes or tweezing but shall not include the practice of electrology. 11. "Trainee" means a person pursuing in good faith a course of study in the practice of nail specialty under the tutelage, supervision and direction of a licensed nail practitioner. Such trainee shall be employed by a licensed appearance enhancement business. §401. License required 1. No person shall engage in the practice of nail specialty, waxing, natural hair styling, esthetics or cosmetology, as defined in §400 of this article, without having received a license to engage in such practice in the manner prescribed in this article. No person shall act as a trainee or perform any service as such unless he or she has obtained a certification of registration pursuant to this article. 2. No person shall own, control or operate, whether as a sole proprietor, partner, shareholder, officer, independent contractor or other person, an appearance enhancement business without having received a license for such business in the manner provided in this article. 3. A person licensed by any other state or country to practice nail specialty, waxing, natural hair styling, esthetics or cosmetology shall be allowed to practice in New York State for three months or less within any calendar year for the purpose of giving to, or receiving from, persons who are licensed under this article training in current styles, techniques or materials, provided however, that no such unlicensed person may provide services to the public for any fee, or other compensation, whether direct or indirect.

The NYSBSA is made up of an Executive Director, President, Vice President, Secretary, Treasurer and other Board of Directors. We conduct regular conference calls, face-to-face meetings, and annual Continuing Education for the educators who work at our schools.

Purpose for testimony

The intent of our testimony is to demonstrate the rigors of regulation and oversight that For-Profit, Non-Degree Granting Schools must abide by to operate in the State of New York and assert that no further burdensome over-reaching regulation is needed.

Operating a For-Profit Proprietary School in the State of New York.

In 1988 New York State Education Law 5001 was created for oversight and regulation of the growing sector of Non-Traditional, Non-Degree Granting Schools. The State Education Department, Bureau of Proprietary School Supervision (BPSS) became the Regulatory Body that schools pay a percentage of their Gross Tuition Income that funds the budget for the oversight of this sector. In the last three decades since the law was codified, numerous changes in law, regulation and policy guidelines have been made to adjust to the ever-changing landscape of New York State Students, and their needs.

The BPSS requires that all schools charging students tuition become a “licensed” school, which includes the following requirements:

The University of the State of New York

- New York State Constitution, Article XI, §2: Continues The University of the State of New York (“USNY”) as a corporation governed by the Board of Regents (“BOR”); specifies that the Legislature may increase, modify, or diminish the BOR’s powers.
- Education Law §214: USNY includes all institutions of higher education incorporated in New York State, all secondary institutions, and such other institutions as admitted by the BOR.

Incorporation and Governance

- Education Law §216 and 8 NYCRR §3.20: Authorizes the BOR to charter (incorporate) colleges and universities.
- Education Law §219: Authorizes the BOR to revoke charters it issues.

Non-Degree Schools

- Education Law §226(4) and 8 NYCRR §3.31: Authorizes the BOR to remove trustees of a corporation it charters for misconduct, incapacity, neglect of duty and/or failure or refusal of the institution to carry into effect its educational purposes.
- Education Law §216 and 8 NYCRR §3.26: The Commissioner of Education (“Commissioner”) may consent to the formation of for-profit institutions of higher education and to the amendment of certificates of incorporation of corporations so formed.
- Education Law §5001 and NYCRR §126.10 and NYCRR §126.13: Requires any private school which charges tuition, unless exempt under this Section, must be licensed as a non-degree proprietary school.
- Education Law §5001(4)(f) and NYCRR §§126.1 and 126.10: Provides alternative licensing procedures for non-publicly funded, for-profit ESL schools.
- Education Law §5001 and NYCRR §126.10: Annual financial statements on which to base tuition assessment are required, as are annual reports on enrollment, completion, and placement for non-degree proprietary schools.
- Education Law §5001 and NYCRR §126.10: Provides for schedule of application and renewal fees to fund the proprietary school supervision account for supervision and regulation and the Tuition Reimbursement Account (“TRA”) for student protection.
- Education Law §5002 and NYCRR §§126.4, 126.5, 126.6, 126.7, 126.8, and 126.9: Defines standards for non-degree proprietary schools for facilities and equipment, admissions requirements including ability-to-benefit students, curriculum approval, teaching and management qualifications and licensure, elements of enrollment agreements and catalogs, financial viability, recordkeeping, institutional access, refund policies and tuition liability, and director responsibilities.
- Education Law §5003 and NYCRR §126.14: Defines for non-degree proprietary schools the parameters for administrative hearings, civil and criminal penalties and sanctions, levying of fines, suspension of license, referrals to the attorney

general, and the student's private right of action.

- Education Law §5004 and NYCRR §126.12: Specifies for non-degree proprietary schools the requirements for soliciting or enrolling students, along with a schedule for limited commission payments.
- Education Law §5005 and NYCRR §126.15: Requires non-degree proprietary schools to provide specific student disclosure in the student's native language, including school information and student obligation.
- Education Law §5006 and NYCRR §126.16: Provides for teach outs for non-degree proprietary schools that have closed to protect students unable to complete their programs.
- Education Law §5007 and NYCRR §126.17: Defines for non-degree proprietary schools the provisions for student complaints, refund eligibility, and for the management of the TRA.
- Education Law §5008: In the presence of a pattern of non-compliance for non-degree proprietary schools, the Commissioner may require the establishment of a trust account to protect the financial interests of the students and the TRA.
- Education Law §5009 and NYCRR §126.11: Requires for the maintenance and distribution by the Commissioner of closed non-degree proprietary school records for a period of 20 years post closure.
- Education Law §5010: Defines for non-degree proprietary schools the composition and appointments of the Council members, along with the purpose of the Council.

Opportunity for Higher Education

- Education Law §6451 and 8 NYCRR Subparts 27-1 and 152-1: Establishes a program of contracts between the Commissioner and independent higher education institutions for the enrollment and support of educationally and economically disadvantaged students.

Student Financial Aid

- Education Law §602 and 8 NYCRR Subparts 145-1 and 145-2: Prescribes the duties of the Commissioner in the administration of the Tuition Assistance Program (TAP) and other State student aid programs and implements the requirement that the Commissioner promulgate certain regulations. **Students hat attend our schools are not eligible for the Tap Program.**
- Education Law §603: Requires the BOR to report annually to the Governor and the Legislature on its evaluation of State student financial aid programs.
- Education Law §607 and 8 NYCRR Part 53: Requires that higher education institutions include in catalogs information on institutional and financial aid for students.
- Education Law §612 and 8 NYCRR §55.3: Establishes the Liberty Partnership Grant Program of aid administered by the Commissioner to higher education institutions or consortia to provide support services to students in public and non-public schools who have a high risk of dropping out. **Students hat attend our schools are not eligible for this program**
- Education Law §661(4), as added by L.2007 c.57, and 8 NYCRR 145-2.15: Requires the BOR to identify acceptable federally approved Ability-to-Benefit tests for purposes of determining eligibility for State student financial aid of applicants who do not have a U.S. high school diploma and acceptable passing scores on such tests, and requires the Commissioner to define independent administration of such tests.

New York State Education Department has long been the Gold Standard in the Nation when other states seek a proven guide in which Regulatory Oversight creation is needed. The National Association of State Administrator and Supervisors of Private Schools (NASASPS) members were particularly interested when NYSED went from a bond model to creating the Tuition Refund Account (TRA) which the schools also fund by contributing a percentage of their Gross Tuition Income as indicated in the Educational law bullet points.

(Triad) State Authorization, Accreditation & Department of Education Oversight

In addition to New York State Educational Law 5001 and NYCRR126.1 a school may seek to become regionally or nationally accredited after proving for two years that they can show administrative capability and financial viability. If the school can demonstrate that these fundamental requirements of institutional eligibility have been met, the school can apply for accreditation. Institutions that are granted accreditation add an additional layer of regulation and oversight on the school. Some regulation and oversight may be overlapping, and others are context driven for the discipline and scope in which a school is seeking accreditation. Once accredited, some schools choose to apply to the U.S. Department of Education in order to participate in Title IV Funding, after attaining State Licensure and Accreditation, thus adding a third layer of regulation and oversight. This is commonly known as the "Triade of Oversight" for schools. This triad is the gateway to participate in Title IV programs. Title IV programs are for students to access grants and loans when seeking pathways to Higher Education at our schools.

When an institution of Higher Education participates in the Federal Financial Aid Programs, Title IV, certain criteria and metrics must be met for the Institution to remain in good standings with the U.S. Department of Education (DOE) and the institution's accrediting agency. Schools must submit audited financial statements. These statements must meet criteria and metrics put forth in the DOE in the Code of Federal Regulations (CFR), and demonstrate financial viability employing acid test ratios and composite scores. If a school is not able to meet these criteria the school would receive notice from its Accreditor that it is being placed on probation for Financial Viability and from the DOE of Heighten Cash Monitoring 1 (HCM1). When a school is put on probation and HCM1 the school is given a period in which they must bring the schools financial viability into compliance. If the school fails to meet the timeline or raise the level of financial viability to the prescribe levels HCM2 would be imposed. HCM2 is level in which the DOE monitors and delays disbursements of aid on a monthly review. In the time that a school, be placed on HCM 1 or 2 the probability of the school being subject to a full Federal Program review is drastically elevated. The State Agency that has Regulatory Authority over the institution would also be notified and subject to additional scrutiny. In New York's case that Agency is the BPSS.

Cohort Default Rates

What is a cohort default rate? For schools having 30 or more borrowers entering repayment in a fiscal year, the school's cohort default rate is the percentage of a school's borrowers who enter repayment on certain Federal Family Education Loans (FFELs) and/or William D. Ford Federal Direct Loans (Direct Loans) during that fiscal year and default (or meet the other specified condition) within the cohort default period. For schools with 29 or fewer borrowers entering repayment during a fiscal year, the cohort default rate is an "average rate" based on borrowers entering repayment over a three-year period.

"Cohort Default Period"

The phrase "cohort default period" refers to the three-year period that begins on October 1st of the fiscal year when the borrower enters repayment and ends on September 30th of the second fiscal year following the fiscal year in which the borrower entered repayment. This is the period during which a borrower's default affects the school's cohort default rate. Cohort default rates are based on federal fiscal years. Federal fiscal years begin October 1st of a calendar year and end on September 30th of the following calendar year. Each federal fiscal year refers to the calendar year in which it ends. The phrase "cohort fiscal year" or "cohort year" refers to the fiscal year for which the cohort default rate is calculated. For example, when calculating the 2014 cohort default rate, the cohort fiscal year is FY 2014 (October 1, 2013 to September 30, 2014). The phrase "other specified condition" occurs when the school's owner, agent, contractor, employee, or any other affiliated entity or individual makes a payment to prevent a borrower's default on a loan that entered repayment during the cohort fiscal year, before the end of the cohort default period. In such a situation, the borrower is considered in default for cohort default rate purposes. For the purposes of this Guide, the phrase "other specified condition" will always refer to this situation.

Sanctions for schools with high official cohort default rates

School Sanctions (34 CFR 668.206) A school's three most recent official cohort default rates are 30.0 percent or greater for the three year calculation.

(Sanction) Except in the event of a successful adjustment or appeal, such a school will lose Direct Loan and Federal Pell Grant program eligibility for the remainder of the fiscal year in which the school is notified of its sanction and for the following two fiscal years.

A school's current official cohort default rate is greater than 40.0 percent, for the three-year CDR calculation.

(Sanction) Except in the event of a successful adjustment or appeal, such a school will lose Direct Loan program eligibility for the remainder of the fiscal year in which the school is notified of its sanction and for the following two fiscal years.

90/10 Regulation & Calculation

90/10 Vocabulary • Appendix C to Subpart B of Part 668 • Cash basis of accounting • Revenue • Higher Education Opportunity Act (HEOA) 2 90/10 Overview • Rule established by law • Applies to for-profit schools receiving Title IV funds and to proprietary institutions that become non-profit • Reported in annual audited financial statements using format from Appendix C to Subpart B of Part 668 3 Basic 90/10 Requirement • A for-profit school may derive no more than 90% of its revenues from the Title IV federal student aid programs • 10% of revenue must come from nonTitle IV funding – Tuition, fees, other institutional charges, school activities necessary for students enrolled in those programs • Must calculate using the cash basis of accounting 4 HEOA Changes ♣ Requirement now part of General Provisions, not Institutional Eligibility ♣ Count revenue from certain non-title IV eligible programs ♣ Count as revenue Net Present Value (NPV) of institutional loans made from July 1, 2008 to July 1, 2012 ♣ Count as revenue the amount of a loan in excess of the loan limits before ECASLA on or after July 1, 2008 and before July 1, 2011 5 6 The 90/10 Formula FSA program funds (except LEAP or FWS) used for tuition, fees and other institutional charges to students The sum of revenues generated by the school from: (1) tuition, fees and other institutional charges for student enrolled in eligible training programs, plus (2) school activities* necessary for the education or training of students enrolled in those eligible programs *to the extent not included in tuition, fees and other institutional charges

Outcomes Reporting to Accrediting Agency

Accreditation mandates that schools provide their annual report, verifying the outcomes of a minimum of;

50% Completion – 60% Job Placement – 70% Licensed

Financial Aid Amounts

FEDERAL STUDENT AID AT A GLANCE Program and Type of Aid Program
Information Annual Award Amount (subject to change)

Federal Pell Grant Grant: does not have to be repaid - For undergraduates with financial need who have not earned bachelor's or professional degrees; in some cases, a student enrolled in a postbaccalaureate teacher certification program may also receive a Federal Pell Grant. A student can receive a Federal Pell Grant for no more than 12 semesters or the equivalent (roughly six years). Amounts can change annually. For 2018–19 (July 1, 2018, to June 30, 2019), the award amount is up to \$6,095. Visit StudentAid.gov/pell-grant for more information.

Federal Supplemental Educational Opportunity Grant (FSEOG) Grant: does not have to be repaid - For undergraduates with exceptional financial need; Federal Pell Grant recipients take priority; funds depend on availability at school. Up to \$4,000. Visit StudentAid.gov/fseog for more information.

Direct Subsidized Loan Loan: must be repaid with interest for undergraduate students who have financial need; U.S. Department of Education generally pays interest while the student is in school and during certain other periods; a student must be enrolled at least half-time. Interest rate is 4.45% for loans first disbursed on or after July 1, 2017, and before July 1, 2018, and fixed for the life of the loan. Visit StudentAid.gov/interest for more information. Up to \$5,500 depending on grade level and dependency status. Visit StudentAid.gov/sub-unsub for more information.

Direct Unsubsidized Loan Loan: must be repaid with interest for undergraduate and graduate or professional students; the borrower is responsible for interest during all periods; a student must be enrolled at least half-time; financial need is not required. Interest rate is 4.45% (undergraduate) and 6% (graduate or professional) for loans first disbursed on or after July 1, 2017, and before July 1, 2018, and fixed for the life of the loan. Visit StudentAid.gov/interest for more information. Up to \$20,500 (less any subsidized amounts received for same period), depending on grade level and dependency status. Visit StudentAid.gov/sub-unsub for more information.

Direct PLUS Loan Loan: must be repaid with interest for parents of dependent undergraduate students and for graduate or professional students; the borrower is responsible for interest during all periods; a student must be enrolled at least half-time; financial need is not required; the borrower must not have an adverse credit history. The interest rate is 7% for loans first disbursed on or after July 1, 2017, and before July 1, 2018, and fixed for the life of the loan. Visit StudentAid.gov/interest for more information. Maximum amount is the cost of attendance minus any other financial aid received. Visit StudentAid.gov/plus for more information.

As mentioned in the opening of this testimony, our programs lead to licensure in disciplines such as Nail Specialty, Natural Hair Styling, Waxing, Esthetics and Cosmetology as prescribed in General Business Law Article 27. The Department of State mandates the curriculum and BPSS approves and has oversight of the implementation and delivery of the approved course work.

Employment Opportunities of the programs we offer:

Job Outlook- As long as there are people, people will want to look their best. The U.S. Bureau of Labor Statistics expects employment in cosmetology careers to grow faster than the average for all occupations between 2016 and 2026, by about 13%.

Sources: Bureau of Labor Statistics, U.S. Department of Labor, Occupational Outlook Handbook; Employment and Training Administration, U.S. Department of Labor, O*NET Online (visited October 24, 2018).

SOC Code	Title	Emp.	Mean	Medium	Entry	Exp
39-5011	Barbers	2,390	\$27,970	\$24,350	\$22,540	\$30,690
39-5012	Hairdressers, Hairstylists, and Cosmetologists	25,960	\$33,680	\$25,460	\$21,632	\$39,890
39-5091	Makeup Artists, Theatrical and Performance	690	\$80,210	\$73,570	\$39,780	\$100,430
39-5092	Manicurists and Pedicurists	18,370	\$23,280	\$21,632	\$21,632	\$24,520
39-5093	Shampooers	1,500	\$23,080	\$21,632	\$21,632	\$24,220
39-5094	Skincare Specialists	3,620	\$41,110	\$35,690	\$23,840	\$49,740

Comparing Similar Jobs- Cosmetology covers a wide range of skills. Some other common careers include:

- **Manicurist/Pedicurist: \$23,230**
- **Theatrical and Performance Makeup Artists: \$59,300**
- **Vocational Education Teacher/Cosmetology: \$52,600**

Questions for Operator of For-Profit Schools & Colleges

*** Please note the testimony here is given in an approximate aggregate as the witness is testifying on behalf of the New York State Beauty School Association Member Schools**

Finance & Budget

1. – What is your operating Budget? The average school in NY enrolls approximately 110 students per year

a. – Income from all sources:

Student Tuition (Net of Refunds)

Clinic Income

Kits Sold

Retail Sales

Registration Fees

Interest Income

b. – Income from Tuition;

average cost of cosmetology schools in NY is \$15 per hour for the 1000-hour course. \$15,000 x 110 students. Assuming they all graduate and pay in full Income from tuition would be 1,650,000

c. – Income from other sources;

Clinic Income – For students to gain actual real-life Salon experience, schools offer discounted service to the general public at a discounted price. All work is performed by students under the supervision of a licensed instructor.

Kits Sold – Student kits include Text & Work books. All electrical and Sundries needed to gain practical experience in their chosen discipline

Retail Sales – Part of the training students receive includes retail sales training. Shampoo, conditioners etc.... Also available for student's convenience are consumable products that would need replenishment throughout their training. Choices for nonstandard equipment is also available

Registration Fees – Education Law 5001 also for Schools to charge up to \$150

Interest Income – Rent Deposits, interest bearing accounts as the DOE requires a substantial amount of cash on hand against Title IV drawn down for disbursements to student accounts

2. Expenses;

a. Administrative Salaries Five highest paid

Director	\$50,000
Financial Aid Officer	\$40,000
Compliance Officer	\$45,000
Admissions Representative	\$35,000
Supervising Instructor	\$20 - \$25 per hour

b. Salaries of Faculty

Range from \$16 - \$25 per hour

c. Miscellaneous \$10 - \$14 per hour

d. Rent \$20 per square ft rural \$50 - \$100 inner city

e. Advertising \$500 to \$1500 Monthly Internet SEO

f. Other Promo -

Students & Outcomes

1. What is your 2 year and 4-year graduation rate, F/T & P/T?

2 Year F/T

2 Year P/T

4 Year F/T

4 Year P/T

A: Since our schools are clock hour schools with programs less than 2 years our Full-time graduation rate is 72% and our Part-time graduation rate is 69%. Our programs are not measured in terms of 2 or 4 year.

2. What is your 2 year and 4-year enrollment rate, F/T & P/T?

2 Year F/T

2 Year P/T

4 Year F/T

4 Year P/T

A: On average our schools enroll 110 students in a calendar year.

3. At Graduation, what percentage of Students are placed in a job related to career within one year; 6 months? As an aggregate the rate is in the mid 70's
4. What is the average debt of students at graduation? The maximum a student can borrow is \$9500 in an academic year. Our longest program is only 1 academic year
5. What is the average debt of students while in school? Although, students may come to our school with prior loan debt from previously attended institutions. Aggregates wouldn't be available so we provided the maximum a student can borrow as a dependent undergraduate which is \$9500.00

Transparency

1. Does your website provide clear and specific information on tuition, course of study, scholarships? See example from website below
2. What percentage of your income goes towards instruction? This question would need to be more specific. In the Governors proposed Budget Part E the mandate was for 50% of Gross Revenue to go directly to Instructors Salaries and Benefits. This is problematic as curriculum development; teacher training and continuing education would need to be included. In addition, classroom expenses, rent, insurance, furniture as well as many other factors would need to be considered. In business there is no one line item that commands a 50% devoted expense. This would be an impossible task to achieve as well as effect the cost of running the cost would vary based on the geographical location of the school.

Sample of Gainful Employment Disclosure

SAMPLE SCHOOL

Undergraduate certificate in Cosmetology/Cosmetologist,

General Program Length: 34 weeks

Students graduating on time

77% of Title IV students complete the program within 34 weeks¹

Program Costs*

\$13,300 for tuition and fees

\$1,000 for books and supplies

\$7,830 for off-campus room and board Other Costs: No other costs provided.

Visit website for more program cost information: WWW.Sampleschool.EDU

*The amounts shown above include costs for the entire program, assuming normal time to completion. Note that this information is subject to change.

Students Borrowing Money

88% of students who attend this program borrow money to pay for it

The typical graduate leaves with \$7,968 in debt

The typical monthly loan payment \$81 per month in student loans with 4.29% interest rate.

The typical graduate earns \$24,260 per year after leaving this program

Graduates who got jobs

61% of program graduates got jobs according to the accreditor job placement rate

4/3/2019 Cosmetology/Cosmetologist, General Gainful Employment Disclosure

<https://www.yourschool/12.0401-Gedt.html> 2/3 Program graduates are employed in the following fields: Hairdressers, Hairstylists, and Cosmetologists:

<http://onetonline.org/link/summary/39-5012.00> Licensure Requirements This program meets licensure requirements in New York 6 Additional Information: No additional notes provided. Date Created: 9/11/2017 These disclosures are required by the U.S.

Department of Education 4/3/2019 Cosmetology/Cosmetologist, General Gainful Employment Disclosure <https://www.libs.edu/Hauppage2017/12.0401-Gedt.html> 3/3

Footnotes: 1. The share of students who completed the program within 100% of normal time (34 weeks). 2. The share of students who borrowed Federal, private, and/or institutional loans to help pay for college. 3. The median debt of borrowers who completed this program. This debt includes federal, private, and institutional loans. 4. The median monthly loan payment for students who completed this program if it were repaid over ten years at a 4.29% interest rate. 5. The median earnings of program graduates who received Federal aid. 6. Some States require students to graduate from a state approved program in order to obtain a license to practice a profession in those States. 7. State Job Placement Rate: N/A 8. Accreditor Job Placement Rate: Name of the accrediting agency this placement rate is calculated for: NACCAS Follow the link below to find out who is included in the calculation of this rate: <http://WWW.NACCAS.ORG> (<http://WWW.NACCAS.ORG>) What types of jobs were these students placed in? The job placement rate includes completers hired for: Jobs within the field Positions that recent completers were hired for include: hairdresser When were the former students employed? 11 MONTHS How were completers tracked? Completer/alumni survey (65% response rate)

U.S. Department of Education Net Price Calculator Template

The Department's template is made up of two components: (1) the institution application and (2) the student application.

In the first component, institutions input the following data:

- Cost of attendance
- Median amounts of grant and scholarship aid awarded to full-time, first-time degree/certificate-seeking students by EFC range

Note: When entering the above data, users may find it helpful to discuss the data to be input with the institutional office(s) that complete the IPEDS Institutional Characteristics and Student Financial Aid surveys.

In the second component, users are asked up to eight questions to establish the following:

- Their dependency status
- Their estimated cost of attendance
- Approximated EFC

The template uses a “look-up” table populated with data from the FAFSA applications database to identify a median EFC. The median EFC is then matched with the median grant and scholarship aid amount entered by the institution for the corresponding EFC range to determine the student's estimated amount of total grant aid. Estimated net price is calculated by subtracting estimated total grant aid from the estimated total cost of attendance

Net Price Calculator Center

Welcome to the Net Price Calculator application. This application will assist you in setting up a Net Price Calculator to post on your institution's website as required in the Higher Education Opportunity Act of 2008 (see HEOA Sec. 111 which amended HEA Title I, Part C: added HEA Sec. 132(a), Sec. 132(h) (20 U.S.C. 1015a(a), 20 U.S.C. 1015a(h))).

Before proceeding, please download and review the Quick Start Guide and accompanying glossary of key terms (select the click for help link on the top right of the screen), for assistance with correctly inputting data and setting up your institution's net price calculator. Once you are ready, click on the Continue button below to begin.

Note: The Higher Education Opportunity Act defines net price as the net price for full-time, first-time degree/certificate-seeking students. Title IV institutions that do not enroll full-time, first-time students are not required to have a net price calculator under the HEOA.

Step 1: Determine representative year and calendar system

HEOA requires that your institution use the data from the **most recent year available** when setting up this calculator. Data should be provided for **full-time, first-time degree/certificate-seeking undergraduate students**. Cost and aid data must be for the same year – e.g., the most recent year for which data are available for both.

1. The data you are entering are representative of the year:

2016-17

2017-18

2. What is your institution's predominant calendar system?

Academic (semester, quarter, trimester, 4-1-4, or other academic)

Program (differs by program, continuous basis)



U.S. Department of Education
Net Price Calculator

Net Price Calculator Help Desk (877) 299-3593 or npc@inovas.net

**Predominant Calendar System: Academic
Representative Year: 2017-18**

Step 2: Set up your data entry screens

To get started, answer the questions below. Your responses will determine which data elements you are required to provide in the subsequent data input screen.

1. Does your institution offer institutionally controlled housing (either on or off campus)?

- Yes
- No

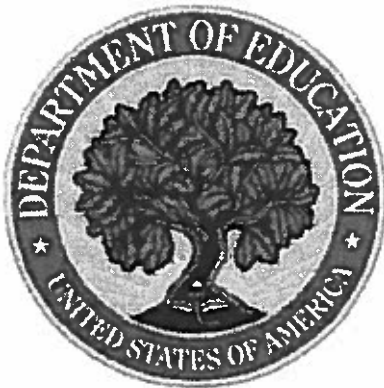
Only applicable if Question 1 is "Yes"

2. If yes, are all full-time, first-time degree/certificate seeking students required to live on campus or in institutionally-controlled housing?

- Yes
- No

3. Does your institution charge different tuition for in-district, in-state, or out-of-state students?

- Yes - check all that apply
- No
- In-District
- In-State
- Out-of-State



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Net Price Calculator

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Predominant Calendar System: Academic
Representative Year: 2017-18

Step 3: Enter your institution's data

For the tables below, please provide data for **full-time, first-time degree/certificate-seeking undergraduate students**. Data for both tables should be for the **same year**. Please fill-in each table as completely as possible. These tables will be used to look up the appropriate cost of attendance and grant aid data for users of the calculator based on information they enter. When you have completed the data entry for both tables below, click **Continue**.

Table 1: Cost of Attendance for Full-time, First-time Undergraduate Students: 2017-18

Enter the amounts requested below. Estimates of expense for room and board, books and supplies, and other expenses should be those from the Cost of Attendance report used by your financial aid office for determining financial need. (Note: These estimates are reported by your institution in the Integrated Postsecondary Education Data System (IPEDS) on the Institutional Characteristics survey form – Part D- Student Charges- Price of Attendance). Estimated costs must be provided for each expense type even if those costs are not charged by the institution (e.g., off-campus not with family room and board, etc.).

Report in whole dollars only

Tuition and Fees

Amount

\$

Books and Supplies

Total

\$ _____

Living and Other Expenses

Off Campus not with family

Off Campus with family

Room and Board

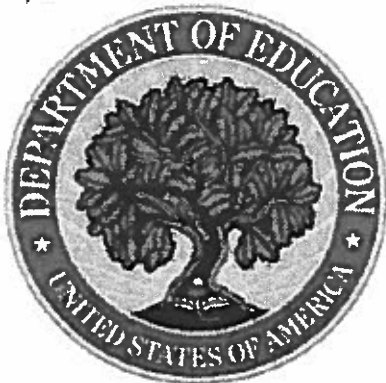
\$ _____

N/A

Other (personal, transportation, etc.)

\$ _____

\$ _____



U.S. Department of Education
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**Predominant Calendar System: Academic
Representative Year: 2017-18**

Step 3: Continue with your institution's data

Table 2: Grants and Scholarships for Full-time, First-time Undergraduate Students: 2017-18

Enter the amounts requested below. Data should represent the **median** amount of both need and non-need grant and scholarship aid **from Federal, State, or Local Governments, or the Institution (exclude private source grant or scholarship aid and work-study programs)** awarded to **full-time, first-time degree/certificate-seeking students** with the indicated living and residency category for each Expected Family Contribution (EFC) range. If you have fewer than three (3) observations for a cell, leave the cell blank. The system will calculate and insert the average of the surrounding cells. In the bottom row of the table, report the median amount of grant or scholarship aid for students for whom you do not know an EFC (e.g., they did not file a FAFSA or apply for need-based financial aid).

Report in whole dollars only

Amount

EFC Range(\$)

Off Campus not with family

Off Campus with family

0

\$ _____

\$ _____

1 - 1,000

\$ _____

\$ _____

1,001 - 2,500

\$ _____

\$ _____

2,501 - 5,000

\$ _____

\$ _____

5,001 - 7,500

\$ _____

\$ _____

\$ _____

7,501 - 10,000

\$ _____

\$ _____

10,001 - 12,500

\$ _____

\$ _____

12,501 - 15,000

\$ _____

\$ _____

15,001 - 20,000

\$ _____

\$ _____

20,001 - 30,000

\$
\$

30,001 - 40,000

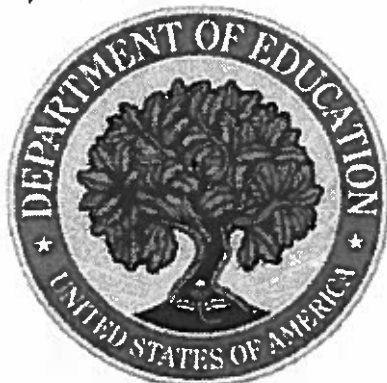
\$
\$

> 40,000

\$
\$

Non-FAFSA filers/ unknown EFC

\$
\$



U.S. Department of Education
Net Price Calculator

Net Price Calculator Help Desk (877) 299-3593 or npc@inovas.net

Predominant Calendar System: Academic
Representative Year: 2017-18

Step 4: Enter Explanations and Caveats

The following information will appear at the bottom of the output screen for the calculator:

Please note: The estimates above apply to full-time, first-time degree/certificate-seeking undergraduate students only.

These estimates do not represent a final determination, or actual award, of financial assistance or a final net price; they are only estimates based on cost of attendance and financial aid provided to students in 2017-18. Cost of attendance and financial aid availability changes year to year. These estimates shall not be binding on the Secretary of Education, the institution of higher education, or the State.

Not all students receive grant and scholarship aid. In 2017-18, XX% of our full-time students enrolling for college for the first time were awarded grant/scholarship aid. Students may also be eligible for student loans and work-study. Students must complete the Free Application for Federal Student Aid (FAFSA) in order to determine their eligibility for Federal financial aid that includes Federal grant, loan, or work-study assistance. For more information on applying for Federal student aid, go to <http://www.fafsa.ed.gov/>.

1. Please enter the following information to fill in the XX% above:

What percentage of all full-time, first-time degree/certificate-seeking students were awarded any grant or scholarship aid from Federal, State, or Local Governments, or the Institution (exclude those who were only awarded private source grant or scholarship aid)?

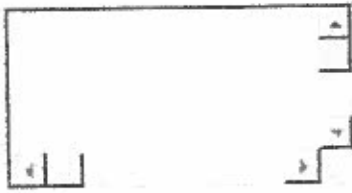
%

2. Would you like to add explanations to appear on the output screen (e.g., exclusions, URL for your financial aid web site, assumptions regarding room and meal-plan type; range of credits; level of personal expenses; etc.)? Please enter text for institutional explanations below. When you are done, click Continue.

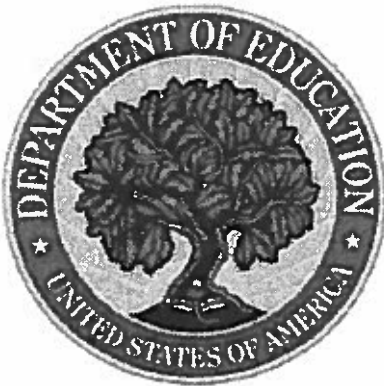
Explanation #1, which appears at the end of first paragraph on the output screen, is optional but can be used to describe any groups excluded from the calculator (e.g., athletes, students receiving employee tuition remission grants).



Explanation #2, which appears after the URL for the FAFSA site, is optional but can be used to provide 1) instructions on how to access your institution's financial aid web site, 2) possible advice on how to use this estimate (e.g., particular factors, such as the year of the estimate, to keep in mind when comparing with estimates from other institutions, expenses you include that other institutions may not), or 3) notification of any major planned changes to cost or grants that could affect the validity of these estimates.



Explanation #3, which appears at the very end, is optional but can be used for any other explanations or caveats you want to include, such as explaining parameters underlying cost estimates (e.g., number of credits covered by tuition estimate, room and board plan included in on-campus estimate, fees included in "required fees", expenses covered in "other expenses" and how this value was calculated); explaining of types of costs not reflected (e.g., differential tuition rates associated with certain academic programs or guaranteed tuition plans); or explaining types of grants not included, (e.g., private scholarships, employee tuition remission, ROTC scholarships not included); defining financial terms students may not be familiar with; or other caveats.



U.S. Department of Education

Net Price Calculator

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Step 5: Create Calculator

You have completed the data entry for the Net Price Calculator. Please review the information you have provided. You can click **Modify** to return to Step 1 and edit this

information, or if you are happy with the current selections, click Continue to produce a zip file containing the files necessary to run the Net Price Calculator on your institution's website. (For detailed instructions on downloading, extracting, and hosting the application on your institution's website, please refer to the Quick Start Guide included with this template.)

Representative Year
2017-18

Predominant Calendar System
Academic

Institutionally Controlled Housing
No

Tuition Based on Residency Status
No

Table 1: Cost of Attendance for Full-time, First-time Undergraduate Students: 2017-18

Tuition and Fees

Amount

\$14000

Books and Supplies

Total

\$1000

Living and Other Expenses

Off Campus not with family

Off Campus with family

Room and Board

\$5000

N/A

Other (personal, transportation, etc.)

\$2500

\$0

Total Expenses

Off Campus not with family

Off Campus with family

Amount
\$22500
\$15000

Table 2: Grants and Scholarships for Full-time, First-time Undergraduate Students: 2017-18

Amount

EFC Range(\$)
Off Campus not with family
Off Campus with family

0
\$6000
\$0
*

1 - 1,000
\$4286 *
\$0 *

1,001 - 2,500
\$2638 *
\$0 *

2,501 - 5,000
\$1466 *
\$0 *

5,001 - 7,500
\$733 *
\$0 *

7,501 - 10,000
\$367 *
\$0 *

10,001 - 12,500
\$184 *
\$0 *

12,501 - 15,000
\$110 *
\$0 *

15,001 - 20,000
\$73 *
\$0 *

20,001 - 30,000

\$42 *

\$0 *

30,001 - 40,000

\$29 *

\$0 *

> 40,000

\$0 *

\$0 *

Non-FAFSA filers/ unknown EFC

\$0 *

\$0 *

* Indicates that the number shown was generated/inserted by the system.

Percentage of Full-Time, First-Time Undergraduates Receiving Aid

1 %

Explanation #1

Explanation #2

Explanation #3

Closing remarks

The association and member schools are all for accountability. As demonstrated, we operate in an environment of oversight. The For-Profit Proprietary Schools of New York service students who are seeking Non-Traditional Pathways to Higher Education to better their station in life.

These schools provide small classes and training for jobs that are immediately ready for them upon graduation. Proprietary schools of all types provide the future work force in New York. Some of these jobs include but are not limited to;

Hairdresser – Estheticians – Nail Techs

Welders – Mechanics – HVAC Technicians

Electricians – Website design – Chefs

LPN – Radiology Technicians – Medical Billing

Medical Assistants – Home Health Aids

And many, many more.

To levy further sanctions on schools would have dire consequences for New Yorkers.

Areas of opportunity that The NYSBSA has been seeking to help in our industry are;

Early Testing Initiatives – Upon Graduation Students must sit for both written and Practical test administered by the Department of State. Early Testing at the 75% point would help identify and give the ability to remediate students and better prepare them for the test as well as the work force.

Continuing Education (CEU) – The Association has long advocated for every licensee to have a CEU component attached to the renewal cycle of the license. Sanitation and Sterilization, infectious disease control and new technologies are just a few that come to mind.

The Schools we represent are fully in compliance and have many checks and balances to demonstrate compliance. We the NYSBSA seek relief from this over-reaching and unnecessary, overly burdensome regulation. We hope that you agree and join us to push initiatives like the examples given forward.

Sincerely,



Anthony Civitano

Executive Director,

New York State Beauty School Association

NYSBSA Testimony Footnotes

NY State General Business Law Article 27 Appearance Enhancement:

<https://www.dos.ny.gov/licensing/lawbooks/APP-ENH.pdf>

Summary of NY Statutory and Regulatory Provisions Related to Higher Education:

<http://www.nysed.gov/college-university-evaluation/summary-new-york-statutory-and-regulatory-provisions-relating-higher>

Department Of Education - How Default Rates are calculated:

<https://ifap.ed.gov/DefaultManagement/guide/attachments/CDRGuideCh2Pt1CDRCalculation.pdf>

Department of Education - Cohort Default Rate Effects:

<https://ifap.ed.gov/drmaterials/attachments/cdre.pdf>

National Accrediting Commission of Career Arts & Sciences (NACCAS) 2019:

<http://naccas.org/naccas/naccas-handbook>

National Accrediting Commission of Career Arts & Sciences (NACCAS) Annual Report General Information:

<http://naccas.org/naccas/annual-report-information>

NACCAS Annual Report Checklist:

<http://naccas.org/naccas/annual-report-information>

Federal Student Aid at a Glance- Department of Education:

<https://studentaid.ed.gov/sa/sites/default/files/aid..>

Net Price Calculator Template:

<https://nces.ed.gov/ipeds/report-your-data/resource-center-net-price>

90/10 Rule Explanation- Department of Education:

www.finaid.org/loans/90-10-rule.phtml