STATE OF NEW YORK

8470

2021-2022 Regular Sessions

IN ASSEMBLY

November 17, 2021

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to prohibiting legacy preference as eligible criteria for admission standards or for participation in state awards programs

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

Section 1. The education law is amended by adding a new section 209-b to read as follows:

§ 209-b. Legacy preference for admission. 1. For the purposes of this section, "legacy preference" means a preference given by a public college or public university on the basis of an applicant's familial relationship to alumni of such public college or public university.

2. Notwithstanding any other law, rule or regulation to the contrary, a public college or public university shall not consider a legacy preference as eligible criteria for admission standards; provided, however, that a public college or public university may still inquire about familial relationships to alumni in order to collect data.

§ 2. Subdivision 1 of section 665-a of the education law, as amended by chapter 681 of the laws of 1986, is amended to read as follows:

1. Participation agreement. No institution may participate in the general, academic or other award programs described in this article unless it shall have entered into a written agreement with the corporation under which it shall be bound to comply with all laws and rules applicable to such programs. The participation agreement may contain such other terms and conditions, consistent with such applicable laws, rules and procedures, as the president may require in accordance with rules adopted for this purpose by the board and shall be developed in consultation with the commissioner of education**; provided, however, that a participation agreement with any institution shall include the condition that such institution shall not consider a legacy preference as**

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

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eligible criteria for admission standards. For purposes of this subdivision, "legacy preference" shall mean a preference given by an institution on the basis of an applicant's familial relationship to alumni of such institution. In accordance with rules adopted by the board for this purpose, the president, may suspend, limit or terminate an institution's participation in these programs in the event it shall be determined after a hearing conducted in accordance with the state administrative procedure act that the institution has violated any applicable laws, rules or procedures provided for under the agreement in accordance with law and the rules of the board.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.