STATE OF NEW YORK

9505

IN ASSEMBLY

March 10, 2022

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

AN ACT to amend the education law, in relation to prohibiting legacy preference and early decision admission policies at higher education institutions in this state

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

Section 1. Short title. This act may be known and shall be cited as the "fair college admissions act".

§ 2. Legislative intent. a. The legislature hereby finds that there are significant income gains associated with postsecondary education degree attainment, with New York state residents with a bachelor's degree three times less likely to live in poverty than those with a high school diploma.

b. The legislature further finds that students who attend and graduate from a highly selective higher education institution in the state of New York are much more likely to earn salaries in the top income quintile than those who graduate from less selective institutions, furthering economic and social inequality.

c. The legislature further finds that within most highly selective higher education institutions in New York state, degree completion rates for students from low-income and working class family backgrounds are comparable to students from upper-income family backgrounds.

d. The legislature further finds that many four-year higher education institutions in New York state consider whether a prospective student is related to alumni as part of the admissions process.

e. The legislature further finds that providing preferential treatment to students related to alumni of a higher education institution is discriminatory in nature and disproportionately hurts students who come from working class and low-income families, have parents who did not earn a bachelor's degree, are undocumented, are immigrants, and are members of historically underrepresented minority groups formerly denied entry into specific higher education institutions either as a matter of

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

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institution policy or the effect of historic underlying law and government practices.

f. The legislature further finds that 30 percent of bachelor degree granting institutions in the state of New York currently employ an early decision admissions policy that allows students to apply in the fall of their senior year and receive an application decision by December in exchange for committing to attend that institution and foregoing an opportunity to compare financial aid packages offered by competing institutions of higher education.

g. The legislature further finds that at a number of higher education institutions, particularly highly selective institutions with low admit rates, between 40 and 50 percent of enrolled students are admitted early decision, and early decision applicants are more than twice as likely to be admitted.

h. The legislature further finds that early decision admission policies are discriminatory in nature, as they favor students with strong college advising and the ability to commit to a college or university without considering a financial aid package. They put first-generation students, students at under-resourced high schools, and students from working class and low-income backgrounds at a disadvantage because they lack awareness of the strategic benefit of applying early decision and do not have the luxury of committing to an institution without knowing the post-financial aid cost of attendance.

i. The legislature further finds that inequitable, unfair admissions policies and practices such as legacy preference and early decision are a significant factor behind disparities in college enrollment among students from historically underserved racial and economic subgroups compared to their more advantaged peers at selective higher education institutions.

j. The legislature hereby declares that a prohibition on legacy preference and early decision admissions policies at degree-granting colleges and universities in the state shall further the goals of educational, economic, and social equity, helping to diversify highly selective institutions while closing achievement gaps between historically advantaged and disadvantaged groups, and shall commit to achieving the same with the following provisions of this act.

§ 3. The education law is amended by adding a new section 239-d to read as follows:

§ 239-d. Prohibition on legacy preference and early decision admission policies. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Consider alumni/ae relation as a factor in admissions" shall refer to when an admissions application asks applicants to indicate where their relatives attended college and that such information is included among the documents that the higher education institution uses to consider an applicant for admission.

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

(c) "Early decision" shall mean an admissions plan that allows a student to apply at an earlier stage of the admissions process and receive an expedited admissions decision that requires such student, absent unique circumstances stipulated in the early decision application or otherwise agreed to by the institution, to commit to attend a higher

education institution should such student be admitted and to withdraw all other applications to other higher education institutions.

(d) "Higher education institution" shall mean the state university of New York, as defined in subdivision one of section three hundred fifty-two of this chapter, the city university of New York, as established in section sixty-two hundred three of this chapter, or any institution given the power to confer degrees in this state by the board of regents as provided in section two hundred eighteen of this article.

(e) "Legacy preference" shall mean a preference in admissions given by a higher education institution to applicants related by consanguinity or affinity to alumni of such institution.

2. Prohibition. No higher education institution in this state shall:

(a) consider alumni/ae relation as a factor in admissions; or

(b) execute an early decision policy for undergraduate admissions. Such prohibition shall not apply, however, to a higher education institution that asks applicants about relations to alumni of such institution after an offer of admission and financial aid has been accepted for the purposes of data collection and reporting. Furthermore, the prohibition herein described shall not be construed to apply to an early action policy as defined in paragraph (b) of subdivision one of this section.

3. Penalty. A violation of subdivision two of this section shall result in a civil penalty of a sum equivalent to ten percent of the number of full-time equivalent first year students enrolled at the higher educational institution the year previous to the violation multiplied by such institution's published tuition and fees.

4. Dedication of penalty funds. All penalties paid pursuant to subdivision three of this section shall be assessed by the commissioner and deposited into the general fund of the state. Such monies shall then be used for the disbursement of tuition assistance awards by the higher education services corporation to eligible undergraduate students pursuant to the provisions of sections six hundred sixty-six, six hundred sixty-seven, six hundred sixty-seven-a, and six hundred sixty seven-c of this chapter.

§ 4. This act shall take effect on the first of July next succeeding the date on which it shall have become a law. Effective immediately the addition, amendment, and/or repeal of any rules or regulations necessary for the implementation of this act on its effective date are authorized to be made on or before such effective date.