

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:

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

3 § 209-b. Legacy preference for admission. 1. For the purposes of this
4 section, "legacy preference" means a preference given by a public
5 college or public university on the basis of an applicant's familial
6 relationship to alumni of such public college or public university.

7 2. Notwithstanding any other law, rule or regulation to the contrary,
8 a public college or public university shall not consider a legacy pref-
9 erence as eligible criteria for admission standards; provided, however,
10 that a public college or public university may still inquire about fami-
11 lial relationships to alumni in order to collect data.

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

14 1. Participation agreement. No institution may participate in the
15 general, academic or other award programs described in this article
16 unless it shall have entered into a written agreement with the corpo-
17 ration under which it shall be bound to comply with all laws and rules
18 applicable to such programs. The participation agreement may contain
19 such other terms and conditions, consistent with such applicable laws,
20 rules and procedures, as the president may require in accordance with
21 rules adopted for this purpose by the board and shall be developed in
22 consultation with the commissioner of education; provided, however, that
23 a participation agreement with any institution shall include the condi-
24 tion 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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1 eligible criteria for admission standards. For purposes of this subdi-
2 vision, "legacy preference" shall mean a preference given by an insti-
3 tution on the basis of an applicant's familial relationship to alumni
4 of such institution. In accordance with rules adopted by the board for
5 this purpose, the president, may suspend, limit or terminate an insti-
6 tution's participation in these programs in the event it shall be deter-
7 mined after a hearing conducted in accordance with the state administra-
8 tive procedure act that the institution has violated any applicable
9 laws, rules or procedures provided for under the agreement in accordance
10 with law and the rules of the board.

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