

STATE OF NEW YORK

1423--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. WALKER, RIVERA -- Multi-Sponsored by -- M. of A. SIMON, TAYLOR -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to prohibiting legacy 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:

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

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

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

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

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

20 e. The legislature further finds that providing preferential treatment
21 to students related to alumni of a higher education institution is
22 discriminatory in nature and disproportionately hurts students who come
23 from working class and low-income families, have parents who did not
24 earn a bachelor's degree, are undocumented, are immigrants, and are
25 members of historically underrepresented minority groups formerly denied
26 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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1 institution policy or the effect of historic underlying law and govern-
2 ment practices.

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

8 g. The legislature hereby declares that a prohibition on legacy admis-
9 sion policies at degree-granting colleges and universities in the state
10 shall further the goals of educational, economic, and social equity,
11 helping to diversify highly selective institutions while closing
12 achievement gaps between historically advantaged and disadvantaged
13 groups, and shall commit to achieving the same with the following
14 provisions of this act.

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

17 § 239-c. Prohibition on legacy admission policies. 1. Definitions. As
18 used in this section, the following terms shall have the following mean-
19 ings:

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

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

31 2. Prohibition. No higher education institution in this state shall
32 consider alumni/ae relation as a factor in admissions. Such prohibition
33 shall not apply, however, to a higher education institution that asks
34 applicants about relations to alumni/ae of such institution after an
35 offer of admission and financial aid has been accepted for the purposes
36 of data collection and reporting.

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

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

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