

STATE OF NEW YORK

4170--B

2023-2024 Regular Sessions

IN SENATE

February 3, 2023

Introduced by Sens. GOUNARDES, CHU, CLEARE, COMRIE, FERNANDEZ, HOYLMAN-SIGAL, JACKSON, MAY, MYRIE, RAMOS, SALAZAR, SEPULVEDA, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- 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 shall be known and may 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.

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

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1 e. The legislature further finds that providing preferential treatment
2 to students related to alumni of a higher education institution is
3 discriminatory in nature and disproportionately hurts students who come
4 from working class and low-income families, have parents who did not
5 earn a bachelor's degree, are undocumented, are immigrants, and are
6 members of historically underrepresented minority groups formerly denied
7 entry into specific higher education institutions either as a matter of
8 institution policy or the effect of historic underlying law and govern-
9 ment practices.

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

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

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

24 § 239-c. Prohibition on legacy admission policies. 1. Definitions. As
25 used in this section, the following terms shall have the following mean-
26 ings:

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

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

38 2. Prohibition. No higher education institution in this state shall
39 consider alumni/ae relation as a factor in admissions. A higher educa-
40 tion institution shall be in compliance with this section if it reason-
41 ably and in good faith redacts, suppresses, or otherwise removes such
42 information on alumni/ae relation from the documents that the higher
43 education institution uses to consider an applicant for admission.

44 3. Penalty. If after providing notice and an opportunity for a hearing
45 the department determines that a higher education institution has
46 engaged in a knowing pattern or practice of violating this section, then
47 such institution may be liable for a civil penalty not to exceed fifty
48 thousand dollars.

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