

# STATE OF NEW YORK

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8405

## IN SENATE

January 26, 2024

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Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to including underrepresented ethnic groups in the admission criteria for the science and technology entry program and collegiate science and technology entry program

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

1 Section 1. Legislative findings. Representation in the workforce is  
2 critical, especially in New York's healthcare workforce. A 2017 study  
3 published in the Journal of General Internal Medicine found that Black  
4 and Hispanic patients were more likely to report feeling comfortable  
5 discussing sensitive topics with a provider of the same race or ethnicity.  
6 A 2019 study published in the Journal of Health Care Administration  
7 found that culturally competent care was associated with improved  
8 patient satisfaction, adherence to treatment, and health outcomes.  
9 Further a 2020 report by the National Academies of Sciences, Engineering,  
10 and Medicine found that a diverse healthcare workforce can improve  
11 access to care for underserved populations. These benefits are not  
12 limited to healthcare. A 2017 study published in Nature and a 2019 study  
13 in the Harvard Business Review found that diverse teams outperform  
14 homogenous teams in terms of creativity and problem-solving. This means  
15 that the health and economic future of our state is dependent on the  
16 diversity of our workforce.

17 The Science and Technology Entry Program (STEP) and Collegiate Science  
18 and Technology Entry Program (CSTEP) have a successful history of bringing  
19 underrepresented students into science, technology, engineering, and  
20 math (STEM), licensed professions and health professions fields. These  
21 programs create academic opportunities for students who have faced  
22 disadvantages and discrimination. To ensure that these programs can  
23 continue to fulfill their mission of delivering opportunity and equity  
24 to students, the programs' admissions criteria must be updated to be in  
25 line with recent legal findings.

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

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1 The STEP and CSTEP admissions criteria must allow for admission of any  
2 student from any group underrepresented in a STEM, licensed profession  
3 field or health profession field. This will require that the New York  
4 State Board of Regents identify underrepresentation in eligible career  
5 fields prior to the periodic release of RFPs for STEP and CSTEP. Under-  
6 representation shall be determined using available workforce statistics  
7 and defined in rules. This determination will provide "focused and meas-  
8 urable objectives" (as required by the U.S. Supreme Court) while also  
9 having a definable endpoint: the correction of underrepresentation in a  
10 specific professional field reviewed on a regular basis (the contractual  
11 period defined by an individual RFP).

12 Every ethnic or racial group is underrepresented in various workforce  
13 fields in New York. STEP and CSTEP will help rectify that issue and  
14 ultimately root out the pernicious impact of underrepresentation in  
15 various professions.

16 § 2. Subdivisions 1 and 5 of section 6454 of the education law, as  
17 added by chapter 31 of the laws of 1985, subparagraph 4 of paragraph a  
18 of subdivision 5 as amended by chapter 439 of the laws of 1988, are  
19 amended and a new subdivision 9 is added to read as follows:

20 1. As used in this section:

21 a. ~~["Council" means the council on professional career opportunity~~  
22 ~~created pursuant to article forty-four of the executive law,~~

23 ~~b.]~~ "Eligible students" shall mean secondary school students inter-  
24 ested in pursuing a career in an eligible profession as defined in para-  
25 graph c of this subdivision, who are either economically disadvantaged  
26 or ~~[minorities historically]~~ a member of an ethnic group that is under-  
27 represented in the ~~[scientific, technical, health, and health-related~~  
28 ~~professions as defined by the regents after consultation with the coun-~~  
29 ~~cil, and]~~ eligible profession they are interested in pursuing.

30 ~~[c.]~~ b. "Eligible applicant" shall mean an institution of postsecon-  
31 dary education or a consortia of such institutions.

32 c. "Eligible profession" shall mean a scientific, technical, health,  
33 health-related profession or any profession licensed pursuant to title  
34 eight of this chapter.

35 5. a. Grants shall be awarded to eligible applicants based upon crite-  
36 ria established by the commissioner after consultation with the council,  
37 including, but not limited to, the following:

38 (1) an established record of conducting effective collaborative educa-  
39 tional programs with neighboring secondary schools;

40 (2) the ability and willingness to cooperate with other postsecondary  
41 institutions in operating a program funded pursuant to this section; and

42 (3) the capacity to secure or provide additional support in amounts  
43 equal to at least twenty-five percent of the grant sought under this  
44 section through private and other governmental sources and through  
45 in-kind services[+]

46 ~~(4) a location within a school district with an enrollment comprised~~  
47 ~~of at least twenty percent minority group students or a location near~~  
48 ~~such a district that is accessible by public transportation].~~

49 ~~b. [The commissioner shall select the grant recipients after consulta-~~  
50 ~~tion with the council.]~~ To the fullest extent practicable the commis-  
51 sioner ~~[and the council]~~ shall ensure that grants are awarded to eligi-  
52 ble applicants in a diversity of regions of the state.

53 9. The department shall periodically review workforce data to deter-  
54 mine levels of ethnic representation in eligible professions.

55 § 3. Subdivisions 1, 2 and 3 of section 6455 of the education law, as  
56 added by chapter 285 of the laws of 1986, paragraph (a) of subdivision 2

1 and paragraph (a) of subdivision 3 as amended by chapter 26 of the laws  
2 of 2019, and the opening paragraph of subparagraph (ii) of paragraph (a)  
3 of subdivision 2 and the opening paragraph of subparagraph (ii) of para-  
4 graph (a) of subdivision 3 as amended by chapter 669 of the laws of  
5 2022, are amended to read as follows:

6 1. General requirements. The commissioner shall award grants to  
7 degree-granting institutions in New York or to consortia of such insti-  
8 tutions to be used for the purpose of increasing access by [~~minority~~]  
9 underrepresented or disadvantaged students to academic programs that  
10 have been registered by the commissioner and that prepare students  
11 either for licensure in the professions or for employment in scientific  
12 and technical fields.

13 2. Undergraduate programs. (a) (i) Undergraduate science and technol-  
14 ogy entry program moneys may be used for tutoring, counseling, remedial  
15 and special summer courses, supplemental financial assistance, program  
16 administration, and other activities which the commissioner may deem  
17 appropriate. To be eligible for undergraduate collegiate science and  
18 technology entry program support, a student must be a resident of New  
19 York, or meet the requirements of subparagraph (ii) of this paragraph,  
20 and must be either economically disadvantaged or [~~from a minority~~] a  
21 member of an ethnic group [~~historically under represented in the scien-~~  
22 ~~tific, technical, health and health-related professions~~] that is under-  
23 represented in the eligible profession or field they are pursuing, as  
24 defined by the regents prior to the release of periodic applications for  
25 funding, and must demonstrate interest in and a potential for a profes-  
26 sional career if provided special services. Eligible students must be in  
27 good academic standing, enrolled full time in an approved, undergraduate  
28 level program of study, as defined by the regents.

29 (ii) An applicant who is not a legal resident of New York state, but  
30 who is a United States citizen, a permanent lawful resident, an individ-  
31 ual who is granted U or T non-immigrant status pursuant to the Victims  
32 of Trafficking and Violence Protection Act of 2000, a person granted  
33 temporary protected status pursuant to the Federal Immigration Act of  
34 1990, an individual of a class of refugees paroled by the attorney  
35 general of the United States under his or her parole authority pertain-  
36 ing to the admission of noncitizens to the United States, or an appli-  
37 cant without lawful immigration status, shall be eligible for an award  
38 at the undergraduate level of study provided that the student:

39 (1) attended a registered New York state high school for two or more  
40 years, graduated from a registered New York state high school and  
41 applied for attendance at the institution of higher education for the  
42 undergraduate study for which an award is sought within five years of  
43 receiving a New York state high school diploma; or

44 (2) attended an approved New York state program for a state high  
45 school equivalency diploma, received a state high school equivalency  
46 diploma and applied for attendance at the institution of higher educa-  
47 tion for the undergraduate study for which an award is sought within  
48 five years of receiving a state high school equivalency diploma; or

49 (3) is otherwise eligible for the payment of tuition and fees at a  
50 rate no greater than that imposed for resident students of the state  
51 university of New York, the city university of New York or community  
52 colleges as prescribed in subparagraph eight of paragraph h of subdivi-  
53 sion two of section three hundred fifty-five or paragraph (a) of subdivi-  
54 sion seven of section sixty-two hundred six of this chapter.

55 Provided, further, that a student without lawful immigration status  
56 shall also be required to file an affidavit with such institution of

1 higher education stating that the student has filed an application to  
2 legalize his or her immigration status, or will file such an application  
3 as soon as he or she is eligible to do so.

4 (b) Applications for funding shall be submitted by eligible insti-  
5 tutions to the department in accordance with requirements established by  
6 the commissioner. Priority consideration shall be given to institutions  
7 which coordinate their efforts to increase ~~[minority access]~~ represen-  
8 tation of underrepresented ethnic groups with similar activities for  
9 programs at the secondary level in accordance with this section. Grants  
10 shall be awarded based on criteria established by the commissioner.

11 3. Graduate programs. (a) (i) Graduate science and technology entry  
12 program moneys may be used for recruitment, academic enrichment, career  
13 planning, supplemental financial assistance, review for licensing exam-  
14 inations, program administration, and other activities which the commis-  
15 sioner may deem appropriate. To be eligible for graduate collegiate  
16 science and technology entry program support, a student must be a resi-  
17 dent of New York, or meet the requirements of subparagraph (ii) of this  
18 paragraph, and must be either economically disadvantaged or ~~[from]~~ a  
19 ~~[minority]~~ member of an ethnic group ~~[historically]~~ that is underrepre-  
20 sented in the ~~[scientific, technical and health-related professions]~~  
21 eligible profession or field they are pursuing as defined by the regents  
22 prior to the release of periodic applications for funding. Eligible  
23 students must be in good academic standing, enrolled full time in an  
24 approved graduate level program, as defined by the regents.

25 (ii) An applicant who is not a legal resident of New York state, but  
26 either is a United States citizen, a permanent lawful resident, an indi-  
27 vidual who is granted U or T non-immigrant status pursuant to the  
28 Victims of Trafficking and Violence Protection Act of 2000, a person  
29 granted temporary protected status pursuant to the Federal Immigration  
30 Act of 1990, an individual of a class of refugees paroled by the attor-  
31 ney general of the United States under his or her parole authority  
32 pertaining to the admission of noncitizens to the United States, or an  
33 applicant without lawful immigration status shall be eligible for an  
34 award at the graduate level of study provided that the student:

35 (1) attended a registered approved New York state high school for two  
36 or more years, graduated from a registered New York state high school  
37 and applied for attendance at the institution of higher education for  
38 the graduate study for which an award is sought within ten years of  
39 receiving a New York state high school diploma; or

40 (2) attended an approved New York state program for a state high  
41 school equivalency diploma, received a state high school equivalency  
42 diploma and applied for attendance at the institution of higher educa-  
43 tion for the graduate study for which an award is sought within ten  
44 years of receiving a state high school equivalency diploma; or

45 (3) is otherwise eligible for the payment of tuition and fees at a  
46 rate no greater than that imposed for resident students of the state  
47 university of New York, the city university of New York or community  
48 colleges as prescribed in subparagraph eight of paragraph h of subdivi-  
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52 shall also be required to file an affidavit with such institution of  
53 higher education stating that the student has filed an application to  
54 legalize his or her immigration status, or will file such an application  
55 as soon as he or she is eligible to do so.

(b) Applications for funding shall be made by eligible institutions in accordance with requirements established by the commissioner. Grants shall be awarded based on criteria established by the commissioner. Priority consideration shall be given to institutions which coordinate their efforts to increase ~~[minority access]~~ representation of underrepresented ethnic groups with similar activities at the undergraduate level.

§ 4. This act shall take effect on the thirtieth 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 and completed on or before such effective date.