

# STATE OF NEW YORK

1378

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

Introduced by M. of A. EPSTEIN, SEAWRIGHT, GIBBS -- 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 146 of the laws of 2022, 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.

LBD03385-01-3

1 eligible criteria for admission standards. For purposes of this subdivi-  
2 sion, "legacy preference" shall mean a preference given by an institu-  
3 tion on the basis of an applicant's familial relationship to alumni of  
4 such institution.

5 In accordance with rules adopted by the board for this purpose, the  
6 president, may suspend, limit or terminate an institution's partic-  
7 ipation in these programs in the event it shall be determined after a  
8 hearing conducted in accordance with the state administrative procedure  
9 act that the institution has violated any applicable laws, rules or  
10 procedures provided for under the agreement in accordance with law and  
11 the rules of the board.

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