STATE OF NEW YORK

9498--A

IN ASSEMBLY

March 14, 2024

Introduced by M. of A. FAHY -- 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 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:

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

The Science and Technology Entry Program (STEP) and Collegiate Science and Technology Entry Program (CSTEP) have a successful history of bringing underrepresented students into science, technology, engineering, and math (STEM), licensed professions and health professions fields. These programs create academic opportunities for students who have faced disadvantages and discrimination. To ensure that these programs can continue to fulfill their mission of delivering opportunity and equity to students, the programs' admissions criteria must be updated to be in 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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The STEP and CSTEP admissions criteria must allow for admission of any student from any group underrepresented in a STEM, licensed profession field or health profession field. This will require that the New York State Board of Regents identify underrepresentation in eligible career fields prior to the periodic release of RFPs for STEP and CSTEP. Underrepresentation shall be determined using available workforce statistics and defined in rules. This determination will provide "focused and measurable objectives" (as required by the U.S. Supreme Court) while also having a definable endpoint: the correction of underrepresentation in a specific professional field reviewed on a regular basis (the contractual period defined by an individual RFP).

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

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

1. As used in this section:

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

~~b.~~] "Eligible students" shall mean secondary school students **interested in pursing a career in an eligible profession as defined in paragraph c of this subdivision,** who are either economically disadvantaged or [~~minorities historically~~] **a member of an ethnic group that is** underrepresented in the [~~scientific, technical, health, and health-related professions as defined by the regents after consultation with the council; and~~] **eligible profession they are interested in pursuing.**

[~~c.~~] **b.** "Eligible applicant" shall mean an institution of postsecondary education or a consortia of such institutions.

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

5. a. Grants shall be awarded to eligible applicants based upon criteria established by the commissioner after consultation with the council, including, but not limited to, the following:

(1) an established record of conducting effective collaborative educational programs with neighboring secondary schools;

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

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

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

b. [~~The commissioner shall select the grant recipients after consultation with the council.~~] To the fullest extent practicable the commissioner [~~and the council~~] shall ensure that grants are awarded to eligible applicants in a diversity of regions of the state.

9. The department shall periodically review workforce data to determine levels of ethnic representation in eligible professions.

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

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

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

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

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

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

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

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

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

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

(b) Applications for funding shall be submitted by eligible institutions to the department in accordance with requirements 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 for programs at the secondary level in accordance with this section. Grants shall be awarded based on criteria established by the commissioner.

3. Graduate programs. (a) (i) Graduate science and technology entry program moneys may be used for recruitment, academic enrichment, career planning, supplemental financial assistance, review for licensing examinations, program administration, and other activities which the commissioner may deem appropriate. To be eligible for graduate collegiate science and technology entry program support, a student must be a resident of New York, or meet the requirements of subparagraph (ii) of this paragraph, and must be either economically disadvantaged or [~~from~~] a [~~minority~~] **member of an ethnic** group [~~historically~~] **that is** underrepresented in the [~~scientific, technical and health-related professions~~] **eligible profession or field they are pursuing as defined by the regents prior to the release of periodic applications for funding**. Eligible students must be in good academic standing, enrolled full time in an approved graduate level program, as defined by the regents.

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

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

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

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

Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file such an application 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.