

# STATE OF NEW YORK

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4170--A

2023-2024 Regular Sessions

## IN SENATE

February 3, 2023

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Introduced by Sens. GOUNARDES, CHU, CLEARE, COMRIE, MYRIE, RAMOS, SEPULVEDA -- 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

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

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

LBD03099-02-3

1 entry into specific higher education institutions either as a matter of  
2 institution policy or the effect of historic underlying law and govern-  
3 ment practices.

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

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

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

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

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

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

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

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

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

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