STATE OF NEW YORK

4170--A

2023-2024 Regular Sessions

IN SENATE

February 3, 2023

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:

Section 1. Short title. This act may be known and shall be cited as the "fair college admissions act".

§ 2. Legislative intent. a. The legislature hereby finds that there are significant income gains associated with postsecondary education degree attainment, with New York state residents with a bachelor's degree three times less likely to live in poverty than those with a high school diploma.

b. The legislature further finds that students who attend and graduate from a highly selective higher education institution in the state of New York are much more likely to earn salaries in the top income quintile than those who graduate from less selective institutions, furthering economic and social inequality.

c. The legislature further finds that within most highly selective higher education institutions in New York state, degree completion rates for students from low-income and working class family backgrounds are comparable to students from upper-income family backgrounds.

d. The legislature further finds that many four-year higher education institutions in New York state consider whether a prospective student is related to alumni as part of the admissions process.

e. The legislature further finds that providing preferential treatment to students related to alumni of a higher education institution is discriminatory in nature and disproportionately hurts students who come from working class and low-income families, have parents who did not earn a bachelor's degree, are undocumented, are immigrants, and are members of historically underrepresented minority groups formerly denied

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

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entry into specific higher education institutions either as a matter of institution policy or the effect of historic underlying law and government practices.

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

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

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

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

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

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

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

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

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

§ 4. This act shall take effect on the first of July next succeeding the date on which 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.