

CHAPTER 185

EDUCATION - POSTSECONDARY

HOUSE BILL 21-1173

BY REPRESENTATIVE(S) Mullica and Gray, Bacon, Benavidez, Bennett, Bird, Caraveo, Duran, Esgar, Exum, Gonzales-Gutierrez, Hooton, Jodeh, Lontine, Michaelson Jenet, Ricks, Roberts, Sirota, Titone, Valdez A., Weissman, Young, Garnett;
also SENATOR(S) Pettersen and Bridges, Buckner, Danielson, Gonzales, Moreno, Story, Zenzinger, Garcia.

AN ACT**CONCERNING PROHIBITING HIGHER EDUCATION INSTITUTIONS FROM CONSIDERING LEGACY PREFERENCES IN THE ADMISSIONS PROCESS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) In Colorado, there are significant racial and socioeconomic disparities among students who enroll in higher education institutions. Roughly 63% of White students in Colorado and 67% of middle- to high-income students enroll in a bachelor's degree program directly from high school. Conversely, only 42% of Latino students and 47% of low-income students enroll in a bachelor's degree program directly from high school.

(b) Many students who choose not to attend a higher education institution are prepared to attend;

(c) One reason for the significant disparities in college enrollment is inequitable admissions practices;

(d) Currently, many of the four-year higher education institutions in Colorado question whether a prospective student has familial relationships to alumni of the institution in the application process. Applications include questions that ask the names of family members and how they are connected to the institution. Some institutions provide "fee waivers" for students with familial connections.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(e) Providing preferential treatment to students with familial relationships to alumni of the institution is discriminatory in nature and hurts students who are undocumented, first-generation, immigrants, or underrepresented minorities and who do not have the same relationships to Colorado higher education institutions.

(2) The general assembly finds, therefore, that considering legacy preferences in the higher education admissions process should not be a consideration as to whether a student should be admitted to a school and has no place in the admissions process.

SECTION 2. In Colorado Revised Statutes, 23-1-101.1, **amend** the introductory portion; and **add** (4) as follows:

23-1-101.1. Definitions. As used in this ~~article~~ ARTICLE 1, unless the context otherwise requires:

(4) "LEGACY PREFERENCE" MEANS A PREFERENCE GIVEN BY A HIGHER EDUCATION INSTITUTION TO CERTAIN APPLICANTS ON THE BASIS OF THEIR FAMILIAL RELATIONSHIP TO ALUMNI OF THAT INSTITUTION.

SECTION 3. In Colorado Revised Statutes, 23-1-113, **add** (1)(b)(V) as follows:

23-1-113. Commission directive - admission standards for baccalaureate and graduate institutions of higher education - policy - report - definitions.

(1) (b) (V) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE GOVERNING BOARD OF A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION SHALL NOT CONSIDER A LEGACY PREFERENCE, AS DEFINED IN SECTION 23-1-101.1, AS ELIGIBLE CRITERIA FOR ADMISSION STANDARDS. THE GOVERNING BOARD MAY ASK QUESTIONS REGARDING FAMILIAL RELATIONSHIPS TO ALUMNI OF THE INSTITUTION IN ORDER TO COLLECT DATA.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 25, 2021