

New York State Issues Guidance in Response to CACAGNY's Lawsuit

July 14, 2025

The New York Post published [an article today](#) reporting progress on CACAGNY's discrimination lawsuit against New York State, [Chu, CACAGNY, IEAG, and HOPE v. Betty Rosa as New York State Commissioner of Education](#). Some clarifications are in order.

Though the [guidance issued by Anael Alson](#), Assistant Education Commissioner of New York State, appears to take steps towards bringing the STEP and C-STEP programs to compliance with Federal laws banning discrimination on the basis of race, it falls short in significant ways, including:

- STEP and C-STEP were instituted by New York State Education law § 6454 to discriminate against Asians and whites, and until that aspect of the law is addressed by the *legal* process, an *administrative* guidance is inadequate.
- The administrative guidance itself falls short. It says “STEP and C-STEP grantees *may* [italics added] determine student eligibility without regard to historically underrepresented minority status, race, or ethnicity,” and “recruitment, selection, and enrollment of new students *may* [italics added] proceed using economic-based eligibility criteria only.” To fully end the racial discrimination in the STEP and C-STEP programs, the guidance needs to state “STEP and C-STEP grantees *must* determine student eligibility without regard to race or ethnicity,” and “recruitment, selection, and enrollment of new students *must* proceed without using race, ethnicity, or facially neutral proxies for such.”

CACAGNY has always considered the term “underrepresented” as [offensive and illegal racial balancing](#).

- An administrative guidance letter can be administratively rescinded at any time and is insufficient to satisfy a lawsuit. We all remember how Governor Hochul "[paused](#)" the vastly unpopular congestion tolls pre-election in 2024, only to [reinstate them](#) nine days after the elections.

While we very much appreciate the steps taken by New York State in response to our lawsuit, we remain undiverted in our lawsuit.

CACAGNY thanks co-plaintiffs Yiatin Chu, IEAG, and Hope for stepping up to seek justice on this matter, and thanks Pacific Legal Foundation and Legal Insurrection for representing plaintiffs.

CACAGNY 紐約同源會

Chinese American Citizens Alliance Greater New York

PO Box 130024

New York, New York 10013

www.cacagny.org