S T A T E O F N E W Y O R K

6928

I N S E N A T E

March 7, 2016

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to establishing the Diwali school holiday

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new section 3204-a to read as follows:

S 3204-A. HINDU FESTIVAL OF LIGHTS SCHOOL HOLIDAY. 1. THE FIFTEENTH DAY OF THE HINDU LUNISOLAR MONTH OF KARTIK, KNOWN AS LAKSHMI PUJA, SHALL BE A SCHOOL HOLIDAY FOR ANY OR ALL SCHOOLS IN A QUALIFIED SCHOOL DISTRICT WHERE THE BOARD OF EDUCATION OR TRUSTEES DETERMINES SUCH SCHOOLS HAVE A SIGNIFICANT SOUTH-ASIAN POPULATION.

2. A QUALIFIED SCHOOL DISTRICT, FOR PURPOSES OF THIS SECTION, SHALL INCLUDE A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS AND HAVING AN ASIAN POPULATION EQUAL TO OR GREATER THAN SEVEN AND ONE-HALF PERCENT. THE ASIAN POPULATION, FOR PURPOSES OF THIS SECTION, SHALL INCLUDE THOSE PERSONS, ADULTS AND CHILDREN, WHO ARE FULLY OR PARTIALLY OF ASIAN DESCENT AND SHALL INCLUDE ALL THOSE PERSONS AND ETHNIC GROUPS IDENTIFIED AS ASIAN BY THE UNITED STATES CENSUS BUREAU IN THE MOST RECENT DECENNIAL UNITED STATES CENSUS. IN THE EVENT THAT THE STATE OF NEW YORK OR THE UNITED STATES CENSUS BUREAU COLLECTS POPULATION DATA FOR THE STATE OF NEW YORK WHICH DENOTES THE NUMBER OF CITIZENS OF ASIAN-INDIAN, BANGLADESHI, AND SRI LANKAN DESCENT, THEN A QUALIFIED SCHOOL DISTRICT SHALL INCLUDE A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS AND HAVING A SOUTH ASIAN POPULATION, INCLUDING ASIAN-INDIAN, BANGLADESHI, AND SRI LANKAN EQUAL TO OR GREATER THAN THREE PERCENT.

3. THE SCHOOL AUTHORITIES OF EVERY QUALIFIED SCHOOL DISTRICT ARE HEREBY AUTHORIZED AND DIRECTED TO CAUSE ALL PUBLIC SCHOOLS WITHIN SUCH DISTRICT TO BE CLOSED ON LAKSHMI PUJA, DURING THE FESTIVAL OF DIWALI.

S 2. Section 3604 of the education law is amended by adding a new subdivision 7-c to read as follows:

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

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7-C. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR PURPOSES OF ANY CALCULATION UNDER SUBDIVISION SEVEN OR EIGHT OF THIS SECTION, THE COMMISSIONER SHALL DISREGARD ANY REDUCTION RESULTING FROM OBSERVANCE OF LAKSHMI PUJA, DURING THE FESTIVAL OF DIWALI AND, IF NECESSARY, SUCH OBSERVED HOLIDAY SHALL BE CALCULATED AS A SESSION DAY.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that any and all rules and regulations and any other measures necessary to implement any provision of this act on its effective date may be promulgated and taken, respectively, on or before such effective date.