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

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I N A S S E M B L Y

April 19, 2012

Introduced by M. of A. MENG -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing the Asian Lunar New Year school holiday and removing Anniversary Day from the list of school holidays

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

Section 1. Section 2586 of the education law is REPEALED and a new section 2586 is added to read as follows:

S 2586. ASIAN LUNAR SCHOOL HOLIDAY. 1. THE DAY OF THE ASIAN LUNAR CALENDAR DESIGNATED AS THE FIRST DAY OF A NEW YEAR AND COMMONLY KNOWN AS "ASIAN LUNAR NEW YEAR'S DAY" SHALL BE A SCHOOL HOLIDAY FOR ALL PUBLIC SCHOOLS IN A QUALIFIED SCHOOL DISTRICT.

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 THEREOF. 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 FOR PURPOSES OF THE YEAR TWO THOUSAND FEDERAL DECENNIAL CENSUS.

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 ASIAN LUNAR NEW YEAR DAY.

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

7-A. 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 THE ASIAN LUNAR NEW YEAR AND, IF NECESSARY, SUCH OBSERVED HOLIDAY SHALL BE CALCULATED AS A SESSION DAY.

S 3. Subdivision 2-a of section 3635 of the education law, as amended by chapter 424 of the laws of 2005, is amended to read as follows:

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

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2-a. The superintendent of each city school district, in a city having a population in excess of one million, shall prepare a public school calendar and shall notify officials of nonpublic schools to which transportation has been requested not later than the first day of June in each year, of the days on which the public schools will be in session in the following school year. Such school district which provides transportation to nonpublic schools shall provide such transportation for the same number of days as the public schools are open but shall not provide transportation services for more than one hundred eighty days. Officials of each nonpublic school to which transportation is provided by a city school district of a city having a population in excess of one million may notify such district, not later than the first day of July of each school year, of a maximum of five days, exclusive of Saturdays, Sundays or legal holidays upon which public schools are required to be closed, on which the public schools are scheduled to be closed, except that in any year in which the first or last day of Passover and Easter Sunday are separated by more than seven days, such officials may notify the district of a maximum of ten days, but such school district will be required to provide for transportation to such nonpublic school provided that such five or ten additional days, whichever is applicable, are limited to the following: the Tuesday, Wednesday, Thursday and Friday after Labor Day, Rosh Hashanah, Yom Kippur, the week in which public schools are closed for spring recess, December twenty-fourth and the week between Christmas day and New Year's day, the Tuesday, Wednesday, Thursday and Friday after the observance of Washington's birthday, and[, in the boroughs of Brooklyn and Queens only, Anniversary Day] ASIAN LUNAR NEW YEAR as designated in section twenty-five hundred eighty-six of this chapter.

S 4. 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.