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

3069

2013-2014 Regular Sessions

I N A S S E M B L Y

January 23, 2013

Introduced by M. of A. CLARK, McDONOUGH, SCARBOROUGH, GOTTFRIED -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to prohibiting discrimination based on a person's family status or pregnancy status

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

Section 1. Paragraph (a) of subdivision 1 and paragraphs (a) and (e) of subdivision 3 of section 313 of the education law, as amended by chapter 2 of the laws of 2002, are amended to read as follows:

(a) It is hereby declared to be the policy of the state that the American ideal of equality of opportunity requires that students, otherwise qualified, be admitted to educational institutions and be given access to all the educational programs and courses operated or provided by such institutions without regard to race, color, sex, religion, creed, marital status, age, sexual orientation as defined in section two hundred ninety-two of the executive law or national origin, except that, with regard to religious or denominational educational institutions, students, otherwise qualified, shall have the equal opportunity to attend therein without discrimination because of race, color, sex, marital status, FAMILY STATUS, PREGNANCY STATUS, age, sexual orientation as defined in section two hundred ninety-two of the executive law or national origin. It is a fundamental American right for members of various religious faiths to establish and maintain educational institutions exclusively or primarily for students of their own religious faith or to effectuate the religious principles in furtherance of which they are maintained. Nothing herein contained shall impair or abridge that right.

(a) To exclude or limit or otherwise discriminate against any person or persons seeking admission as students to such institution or to any educational program or course operated or provided by such institution because of race, religion, creed, sex, color, marital status, FAMILY

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

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STATUS, PREGNANCY STATUS, age, sexual orientation as defined in section two hundred ninety-two of the executive law or national origin; except that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its students exclusively or primarily from members of such religion or denomination or from giving preference in such selection to such members or to make such selection of its students as is calculated by such institution to promote the religious principles for which it is established or maintained. Nothing herein contained shall impair or abridge the right of an independent institution, which establishes or maintains a policy of educating persons of one sex exclusively, to admit students of only one sex.

(e) It shall not be an unfair educational practice for any educational institution to use criteria other than race, religion, creed, sex, color, marital status, FAMILY STATUS, PREGNANCY STATUS, age, sexual orientation as defined in section two hundred ninety-two of the executive law or national origin in the admission of students to such institution or to any of the educational programs and courses operated or provided by such institution.

S 2. Section 3201 of the education law, as amended by chapter 342 of the laws of 1969, is amended to read as follows:

S 3201. Discrimination on account of race, creed, color, FAMILY STATUS, PREGNANCY STATUS, or national origin prohibited. 1. No person shall be refused admission into or be excluded from any public school in the state of New York on account of race, creed, color, FAMILY STATUS, PREGNANCY STATUS, or national origin.

2. Except with the express approval of a board of education having jurisdiction, a majority of the members of such board having been elected, no student shall be assigned or compelled to attend any school on account of race, creed, color, FAMILY STATUS, PREGNANCY STATUS, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, FAMILY STATUSES, PREGNANCY STATUSES, or national origins; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian, and further provided that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination or from giving preference to such selection to such members or to make such selection to its pupils as is calculated to promote the religious principle for which it is established.

S 3. This act shall take effect immediately.