

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:

1 Section 1. Paragraph (a) of subdivision 1 and paragraphs (a) and (e)
2 of subdivision 3 of section 313 of the education law, as amended by
3 chapter 2 of the laws of 2002, are amended to read as follows:
4 (a) It is hereby declared to be the policy of the state that the Amer-
5 ican ideal of equality of opportunity requires that students, otherwise
6 qualified, be admitted to educational institutions and be given access
7 to all the educational programs and courses operated or provided by such
8 institutions without regard to race, color, sex, religion, creed, mari-
9 tal status, age, sexual orientation as defined in section two hundred
10 ninety-two of the executive law or national origin, except that, with
11 regard to religious or denominational educational institutions,
12 students, otherwise qualified, shall have the equal opportunity to
13 attend therein without discrimination because of race, color, sex, mari-
14 tal status, FAMILY STATUS, PREGNANCY STATUS, age, sexual orientation as
15 defined in section two hundred ninety-two of the executive law or
16 national origin. It is a fundamental American right for members of
17 various religious faiths to establish and maintain educational insti-
18 tutions exclusively or primarily for students of their own religious
19 faith or to effectuate the religious principles in furtherance of which
20 they are maintained. Nothing herein contained shall impair or abridge
21 that right.
22 (a) To exclude or limit or otherwise discriminate against any person
23 or persons seeking admission as students to such institution or to any
24 educational program or course operated or provided by such institution
25 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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1 STATUS, PREGNANCY STATUS, age, sexual orientation as defined in section
2 two hundred ninety-two of the executive law or national origin; except
3 that nothing in this section shall be deemed to affect, in any way, the
4 right of a religious or denominational educational institution to select
5 its students exclusively or primarily from members of such religion or
6 denomination or from giving preference in such selection to such members
7 or to make such selection of its students as is calculated by such
8 institution to promote the religious principles for which it is estab-
9 lished or maintained. Nothing herein contained shall impair or abridge
10 the right of an independent institution, which establishes or maintains
11 a policy of educating persons of one sex exclusively, to admit students
12 of only one sex.

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

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

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

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

45 S 3. This act shall take effect immediately.