

STATE OF NEW YORK

4281--A

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. WEPRIN, BARRON, BLAKE, QUART, COLTON, MOSLEY --
Multi-Sponsored by -- M. of A. RAMOS -- read once and referred to the
Committee on Higher Education -- committee discharged, bill amended,
ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the observance of all
religious holidays by institutions within the state university and the
city university of New York, and including the Asian Lunar New Year
within the definition of such holidays

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

Section 1. Section 224-a of the education law is amended by adding a
new subdivision 8 to read as follows:

8. Notwithstanding the definition of "religious belief" as defined in
subdivision seven of this section, any student that celebrates the
cultural observance of the Asian Lunar New Year shall be excused for
that cultural observance in the same manner as students excused due to
such students' religious beliefs pursuant to this section.

§ 2. The education law is amended by adding a new section 6235 to read
as follows:

§ 6235. Students unable because of religious beliefs to register or
attend classes on certain days. 1. No person shall be expelled from or
be refused admission as a student to an institution of higher education
for the reason that he or she is unable, because of his or her religious
beliefs, to register or attend classes or to participate in any examina-
tion, study or work requirements on a particular day or days.

2. Any student in an institution of higher education who is unable,
because of his or her religious beliefs, to attend classes on a partic-
ular day or days shall, because of such absence on the particular day or
days, be excused from any examination or any study or work requirements.

3. It shall be the responsibility of the faculty and of the adminis-
trative officials of each institution of higher education to make avail-

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

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1 able to each student who is absent from school, because of his or her
2 religious beliefs, an equivalent opportunity to register for classes or
3 make up any examination, study or work requirements which he or she may
4 have missed because of such absence on any particular day or days. No
5 fees of any kind shall be charged by the institution for making avail-
6 able to the said student such equivalent opportunity.

7 4. If registration, classes, examinations, study or work requirements
8 are held on Friday after four o'clock post meridian or on Saturday,
9 similar or makeup classes, examinations, study or work requirements or
10 opportunity to register shall be made available on other days, where it
11 is possible and practicable to do so. No special fees shall be charged
12 to the student for these classes, examinations, study or work require-
13 ments or registration held on other days.

14 5. In effectuating the provisions of this section, it shall be the
15 duty of the faculty and of the administrative officials of each institu-
16 tion of higher education to exercise the fullest measure of good faith.
17 No adverse or prejudicial effects shall result to any student because of
18 his or her availing himself or herself of the provisions of this
19 section.

20 6. Any student, who is aggrieved by the alleged failure of any faculty
21 or administrative officials to comply in good faith with the provisions
22 of this section, shall be entitled to maintain an action or proceeding
23 in the supreme court of the county in which such institution of higher
24 education is located for the enforcement of his or her rights under this
25 section.

26 7. It shall be the responsibility of the administrative officials of
27 each institution of higher education to give written notice to students
28 of their rights under this section, informing them that each student who
29 is absent from school, because of his or her religious beliefs, shall be
30 given an equivalent opportunity to register for classes or make up any
31 examination, study or work requirements which he or she may have missed
32 because of such absence on any particular day or days. No fees of any
33 kind shall be charged by the institution for making available to such
34 student such equivalent opportunity.

35 8. As used in this section, the term "institution of higher education"
36 shall mean any institution of higher education, recognized and approved
37 by the board of trustees of the city university of New York, which
38 provides a course of study leading to the granting of a post-secondary
39 degree or diploma. Such term shall not include any institution which is
40 operated, supervised or controlled by a church or by a religious or
41 denominational organization whose educational programs are principally
42 designed for the purpose of training ministers or other religious func-
43 tionaries or for the purpose of propagating religious doctrines. As used
44 in this section, the term "religious belief" shall mean beliefs associ-
45 ated with any corporation organized and operated exclusively for reli-
46 gious purposes, which is not disqualified for tax exemption under
47 section 501 of the United States Code.

48 9. Notwithstanding the definition of "religious belief" as defined in
49 subdivision eight of this section, any student that celebrates the
50 cultural observance of the Asian Lunar New Year shall be excused for
51 that cultural observance in the same manner as students excused due to
52 such students' religious beliefs pursuant to this section.

53 § 3. This act shall take effect immediately.