

STATE OF NEW YORK

5695--A

Cal. No. 1040

2019-2020 Regular Sessions

IN SENATE

May 13, 2019

Introduced by Sen. LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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 Assembly, do enact as follows:

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

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

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

10 § 6235. Students unable because of religious beliefs to register or
11 attend classes on certain days. 1. No person shall be expelled from or
12 be refused admission as a student to an institution of higher education
13 for the reason that he or she is unable, because of his or her religious
14 beliefs, to register or attend classes or to participate in any examina-
15 tion, study or work requirements on a particular day or days.

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

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

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

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

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

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

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

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

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

55 § 3. This act shall take effect immediately.