

# STATE OF NEW YORK

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5695--A

Cal. No. 1040

2019-2020 Regular Sessions

## IN SENATE

May 13, 2019

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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.