

STATE OF NEW YORK

2359

2019-2020 Regular Sessions

IN ASSEMBLY

January 22, 2019

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to providing accommodations for pregnant students at institutions of higher education

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

1 Section 1. The education law is amended by adding a new section 224-b
2 to read as follows:

3 § 224-b Accommodations for pregnancy. 1. a. An institution of higher
4 education offering associate, baccalaureate, or graduate degree programs
5 shall be prohibited from requiring a graduate student to take a leave of
6 absence, withdraw from an associate, baccalaureate, or graduate program,
7 or limit the student's studies solely due to pregnancy or pregnancy-re-
8 lated issues.

9 b. An institution of higher education offering associate, baccalau-
10 reate, or graduate degree programs shall provide reasonable accommo-
11 inations to a pregnant graduate student to enable the student to complete
12 coursework and research. Reasonable accommodations to a pregnant gradu-
13 ate student shall include, but need not be limited to, allowances for
14 the student's health and safety, such as allowing the student to main-
15 tain a safe distance from hazardous substances, allowing the student to
16 make up tests and assignments that are missed for pregnancy-related
17 reasons, allowing a student to take a leave of absence, and excusing
18 medically-necessary absences.

19 c. An institution of higher education offering associate, baccalau-
20 reate, or graduate degree programs shall develop and adopt a written
21 policy for graduate students on pregnancy discrimination and procedures
22 for addressing pregnancy discrimination complaints under Title IX of the
23 Education Amendments of 1972, 20 U.S.C. Sec.1681 et seq. or under this
24 section. A copy of the policy shall annually be made available to all

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

LBD04255-01-9

1 faculty, staff, and employees. The policy shall be distributed to all
2 graduate students attending orientation sessions at the institution.

3 2. a. A graduate student who chooses to take a leave of absence
4 because she is pregnant or has recently given birth shall be allowed a
5 period consistent with the policies of the institution of higher educa-
6 tion in which she is enrolled, or a period of twelve months, whichever
7 period is longer, to prepare for and take preliminary and qualifying
8 examinations. The normative time to degree while in candidacy for a
9 graduate degree for a pregnant graduate student shall be increased in an
10 amount equal to the length of the leave of absence, unless a longer
11 extension is medically necessary.

12 b. A graduate student who is not the birth parent and who chooses to
13 take a leave of absence because of the birth of the student's child
14 shall be allowed a period consistent with the policies of the institu-
15 tion of higher education at which the student is enrolled, or a period
16 of one month, whichever period is longer, to prepare for and take
17 preliminary and qualifying examinations, and an extension of at least
18 one month toward normative time to degree while in candidacy for a grad-
19 uate degree, unless a longer period or extension is medically necessary
20 to care for the student's partner or their child.

21 3. a. An enrolled graduate student in good academic standing who
22 chooses to take a leave of absence because she is pregnant or has
23 recently given birth shall return to the associate, baccalaureate, or
24 graduate program in good academic standing following a leave period
25 consistent with the policies of the institution of higher education at
26 which the student is enrolled or of up to one academic year, whichever
27 period is longer, subject to the reasonable administrative requirements
28 of the institution, unless there is a medical reason for a longer
29 absence, in which case her standing in the associate, baccalaureate, or
30 graduate program shall be maintained during that period of absence.

31 b. An enrolled graduate student in good academic standing who is not
32 the birth parent and who chooses to take a leave of absence because of
33 the birth of the student's child shall return to the associate, bacca-
34 laureate, or graduate program in good academic standing following a
35 leave period consistent with the policies of the institution of higher
36 education at which the student is enrolled, or of up to one month,
37 whichever period is longer, subject to the reasonable administrative
38 requirements of the institution.

39 § 2. This act shall take effect immediately and shall apply to all
40 academic terms commencing on or after its effective date.