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:

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

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

b. An institution of higher education offering associate, baccalaureate, or graduate degree programs shall provide reasonable accommodations to a pregnant graduate student to enable the student to complete coursework and research. Reasonable accommodations to a pregnant graduate student shall include, but need not be limited to, allowances for the student's health and safety, such as allowing the student to maintain a safe distance from hazardous substances, allowing the student to make up tests and assignments that are missed for pregnancy-related reasons, allowing a student to take a leave of absence, and excusing medically-necessary absences.

c. An institution of higher education offering associate, baccalaureate, or graduate degree programs shall develop and adopt a written policy for graduate students on pregnancy discrimination and procedures for addressing pregnancy discrimination complaints under Title IX of the Education Amendments of 1972, 20 U.S.C. Sec.1681 et seq. or under this 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.

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

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

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

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

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

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