STATE OF NEW YORK

2602--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. FALL, O'DONNELL, EPSTEIN, TAYLOR, SAYEGH, RAMOS, NIOU, SIMON, COOK, HYNDMAN -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to prohibiting discrimination of students on school property or at a school function based on religious attire

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

Section 1. Section 11 of the education law is amended by adding a new subdivision 11 to read as follows:

11. "Religious attire" shall mean any attire, clothing, hairstyle, facial hairstyle, or head covering worn in accordance with the requirements of an individual's religion.

§ 2. Subdivision 1 of section 12 of the education law, as amended by chapter 102 of the laws of 2012, is amended to read as follows:

1. No student shall be subjected to harassment or bullying by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, **religious attire,** disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function. Nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under section thirty-two hundred one-a or paragraph (a) of subdivision two of section twenty-eight hundred fifty-four of this chapter and title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et. seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

§ 3. This act shall take effect immediately.

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

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