STATE OF NEW YORK

2038

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

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

AN ACT to amend the education law, in relation to permitting students of SUNY, CUNY, or state-funded institutions of higher education to observe certain holidays without facing academic repercussions

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. No academic repercussions for holiday observance. 1. As used in this section, the following terms shall have the following meanings:

(a) "State university" shall mean the state university of New York established pursuant to article eight of this chapter.

(b) "City university" shall mean the city university of New York established pursuant to article one hundred twenty-five of this chapter.

(c) "Publicly-funded institution of higher education" shall mean any institution of higher education, recognized and approved by the regents of the university of the state of New York, which provides a course of study leading to the granting of a post-secondary degree or diploma, which receives public funds from the state of New York.

(d) "Academic repercussions" shall include, but not be limited to, penalties for absence or grade reductions on any academic assignment, presentation, quiz, exam, or other study or work requirements.

2. Students enrolled at any state university, city university, or publicly-funded institution of higher education shall be permitted to observe any of the following holidays without being subjected to academic repercussions, so long as such student notifies, in writing, his or her instructor of such student's intention to observe such holiday at least three business days in advance: The third Monday of January, known as Dr. Martin Luther King, Jr. day; the third Monday in February, known as Washington's birthday, or President's day; the Friday occurring two

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

LBD06699-01-3

days before the date of the first Sunday on or following the first full moon following the twenty-first of March, known as Good Friday; the fifteenth day of the Hebrew month of Nisan, known as the Passover Seder, or the first day of Passover; the third day of July, the day preceding the day known as Independence Day; the second Monday in October, known as Indigenous Peoples' day, or Columbus day; the eleventh day of November, known as Veterans' day; the twenty-fourth day of December, known as Christmas Eve; the twenty-sixth day of December, the day immediately following the day known as Christmas; the thirty-first day of December, the day known as New Year's Eve; the first day of the ninth month of the Islamic calendar, known as the first day of Ramadan; the thirtieth day following the first day of the ninth month of the Islamic calendar, known as the last day of Ramadan; the thirteenth or fourteenth day of April, known as Vaisakhi, or as Baisakhi; the third day of the Hindu holiday of Diwali, known as main Diwali; and the date of the first full moon occurring in the month of May, known as Vesak.

3. It shall be the responsibility of the faculty and of the administrative officials of each state university, city university, or publicly-funded institution of higher education to make available to each student who is absent from school pursuant to subdivision two of this section, an equivalent opportunity to make up any examination, study or work requirements which he or she may have missed because of such absence. No fees of any kind shall be charged by the institution for making available to such student such equivalent opportunity.

4. In effectuating the provisions of this section, it shall be the duty of the faculty and of the administrative officials of each state university, city university, or publicly-funded institution of higher education to exercise the fullest measure of good faith. No adverse or prejudicial effects shall result to any student because of his or her availing himself or herself of the provisions of this section.

5. Any student, who is aggrieved by the alleged failure of any faculty or administrative officials to comply in good faith with the provisions of this section, shall be entitled to maintain an action or proceeding in the supreme court of the county in which such state university, city university, or publicly-funded institution of higher education is located for the enforcement of his or her rights under this section.

6. It shall be the responsibility of the administrative officials of each state university, city university, or publicly-funded institution of higher education to give written notice to students of their rights under this section, informing them that each student who is absent from school, because of his or her observance of any holiday listed in subdivision two of this section, must be given an equivalent opportunity to make up any examination, study or work requirements which he or she may have missed because of such absence. No fees of any kind shall be charged by the institution for making available to such student such equivalent opportunity.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.