

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1796

By: Boren

6 AS INTRODUCED

7 An Act relating to higher education; providing  
8 definition; prohibiting certain institution, its  
9 faculty, staff or employees from taking certain  
10 actions due to a student's pregnancy; requiring an  
11 institution, its faculty, staff or employees to make  
12 reasonable accommodations for pregnant students;  
13 providing for reasonable accommodations; providing  
14 for certain leave of absence to prepare for and take  
15 certain examinations; providing for certain leave of  
16 absence extension; requiring an enrolled student who  
17 takes certain leave of absence to return to certain  
18 program after certain period of time; providing  
19 exemption; allowing certain student to maintain  
20 certain residency during pregnancy and leave of  
21 absence; directing certain consideration; directing  
22 certain office to investigate complaints and  
23 facilitate forwarding of certain complaints;  
24 requiring institutions to have certain written  
policies and procedures; requiring a copy of policies  
and procedures to be made available to faculty,  
staff, employees and students; providing for  
codification; providing an effective date; and  
declaring an emergency.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 3249 of Title 70, unless there  
24 is created a duplication in numbering, reads as follows:

1       A. As used in this section, "institution" means:

2       1. An institution within The Oklahoma State System of Higher  
3 Education; or

4       2. A private institution of higher learning located within this  
5 state and accredited pursuant to Section 4103 of Title 70 of the  
6 Oklahoma Statutes that receives awards pursuant to Section 2604 of  
7 Title 70 of the Oklahoma Statutes, Oklahoma Tuition Equalization  
8 Grants pursuant to Section 2632 of Title 70 of the Oklahoma Statutes  
9 or other scholarships or tuition aid funded with state  
10 appropriations.

11       B. An institution, including the faculty, staff or other  
12 employees of the institution, shall not require an enrolled student  
13 to take a leave of absence, withdraw from a program or limit her  
14 studies solely due to pregnancy.

15       C. An institution, including the faculty, staff or other  
16 employees of the institution, shall reasonably accommodate pregnant  
17 students so they may complete their courses of study and research.  
18 Reasonable accommodation within the meaning of this subsection may  
19 include but is not limited to:

20       1. Allowances for the pregnant student's health and safety,  
21 such as allowing the student to maintain a safe distance from  
22 hazardous substances,

23       2. Allowing the student to make up tests and assignments that  
24 are missed for pregnancy-related reasons; or  
25

1        3. Allowing a student to take a leave of absence. Reasonable  
2 accommodations shall include the excusing of absences that are  
3 medically necessary consistent with Oklahoma law.

4        D. An enrolled student who chooses to take a leave of absence  
5 because she is pregnant or has recently given birth shall be allowed  
6 a period consistent with the policies of the institution, or a  
7 period of twelve (12) additional months, whichever is longer, to  
8 prepare for and take preliminary and qualifying examinations and an  
9 extension of at least twelve (12) months toward completing the  
10 degree, or while in candidacy for a degree, unless a longer  
11 extension is medically necessary.

12        E. An enrolled student who chooses to take a leave of absence  
13 because she is pregnant or has recently given birth shall return to  
14 her program following a leave period of up to one academic year,  
15 unless there is a medical reason for a longer absence, in which case  
16 her standing in the program shall be maintained during that period  
17 of absence.

18        F. An enrolled student who chooses to take a leave of absence  
19 because she is pregnant or has recently given birth shall be  
20 permitted to maintain residency in student housing during her  
21 pregnancy and throughout her leave of absence if she elects to take  
22 a leave of absence. The institution shall consider the student's  
23 requests for housing accommodation due to her pregnancy.  
24

1 G. The Office of Civil Rights Enforcement within the Office of  
2 the Attorney General shall investigate complaints from students  
3 alleging pregnancy discrimination in violation of this act.

4 H. The Office of Civil Rights Enforcement within the Office of  
5 the Attorney General shall facilitate the forwarding of complaints  
6 to the U.S. Department of Education's Office for Civil Rights to  
7 investigate the institution's compliance with Title IX of the  
8 Education Amendments of 1972 (20 U.S.C. Section 1681, et seq.).

9 I. Each institution shall have a written policy for enrolled  
10 students on pregnancy discrimination and procedures for addressing  
11 pregnancy discrimination complaints under Title IX or this section.  
12 A copy of this policy shall be made available to faculty, staff and  
13 employees in their required training. The policy shall be included  
14 in the student handbook and the institution's policies and  
15 procedures and made available to all students attending the  
16 institution.

17 SECTION 2. This act shall become effective July 1, 2020.

18 SECTION 3. It being immediately necessary for the preservation  
19 of the public peace, health or safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

22  
23 57-2-3558 EB/TEK 1/16/2020 5:55:33 PM  
24  
25