

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 138

By: Boren

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5
6 AS INTRODUCED

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

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

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

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

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

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

10 B. An institution, including the faculty, staff or other
11 employees of the institution, shall not require an enrolled student
12 to take a leave of absence, withdraw from a program or limit her
13 studies solely due to pregnancy. An institution, including the
14 faculty, staff or other employees of the institution, shall
15 reasonably accommodate pregnant students so they may complete their
16 courses of study and research. Reasonable accommodation within the
17 meaning of this subsection may include but is not limited to:

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

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

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 the laws of this state.

4 C. 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 D. 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 E. 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.

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

9 G. 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, 2021.

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.

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