

REPORT ON THE STATUS OF NEW YORK
Women and Girls
2018 OUTLOOK



Foreword

In 2017, women across the United States saw our rights attacked by our own government in Washington. The Trump Administration has worked to systematically dismantle the policies that matter most to women and girls—on wide-ranging issues, including health care, child care, education and workforce equity, to name just a few.

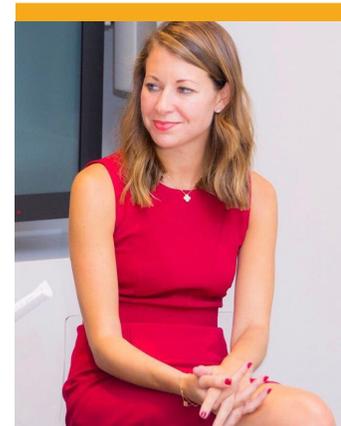
But we did not take these attacks without a fight. Women stood up, marched, petitioned—and united to speak out about sexual harassment and assault. And in New York State, we took bold steps to advance women’s equality and opportunity. Now more than ever, Governor Cuomo is fighting to ensure that progress for women continues to move in the right direction—forward.

Many of the policies and laws that Governor Cuomo already set in motion to advance women’s equality and opportunity will go into effect in 2018, including Paid Family Leave, raised minimum wage and regulations to protect access to contraception no matter what happens at the federal level.

In 2018, we will build on this progress. We will advance equality for women and protect our rights against federal attempts to stall and undermine us. In New York, we will create opportunity for women to succeed in every area: work, health, safety, education and family life.

We will expand pre-K and after-school slots, providing more child care options for parents. We will expose more young girls to STEM to close the gender gap in math and science and show girls that they can do anything. We will work to enshrine access to reproductive health care into New York State law and advance common sense protections against domestic violence and sextortion. And we will work to end sexual harassment in the workplace.

We cannot do all of this alone. We will stand with the women and men of New York to ensure progress continues to move forward and women’s equality is always advanced. The set of proposals in this report work to do just that. Each year we strive to do more—and now, more than ever, we will double down on our effort to be sure New York leads on women’s rights and opportunity.



Melissa DeRosa
Secretary to Governor Cuomo
Chair, New York State Council on Women and Girls

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About the New York State Council on Women and Girls

In celebration of the 100th anniversary of women's suffrage in New York State, Governor Cuomo established the New York State Council on Women and Girls to recognize and advance women's rights within our State. The Council provides a coordinated State response to issues that particularly impact the lives of women and girls, focusing on nine areas of impact:

Education

Economic Opportunity

Workforce Equity

Leadership

Health Care

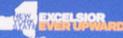
Child Care

Safety

STEM

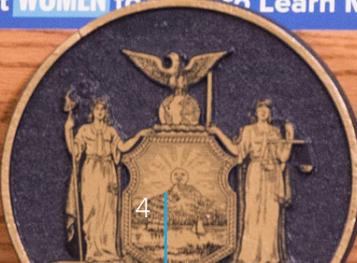
Intersectionality

The Council, chaired by Secretary to the Governor Melissa DeRosa, is composed of the Commissioners and Leaders of our State agencies, who are tasked with ensuring that every future policy and program enacted takes into consideration the rights of women and girls in New York State. In addition, a Steering Committee comprises top-level leaders from foundations, academia, non-profits, the media and the private sector.



New York State Council on Women and Girls

Text **WOMEN** to **91226** to Learn More



Members of the Steering Committee include:

- Kanya Balakrishna, Co-Founder and President, The Future Project
- Dina Bakst, Co-Founder and Co-President, A Better Balance
- Christene Barberich, Global Editor-in-Chief & Co-Founder, Refinery29
- Lilliam Barrios-Paoli, Senior Adviser to the President, Hunter College
- Lisa Borders, President, WNBA
- Heather C. Briccetti, Esq., President and CEO, The Business Council of New York State, Inc.
- Laura Brounstein, Director, Editorial and Business Development, Cosmopolitan and Seventeen Magazine
- Robin Chappelle Golston, CEO, Planned Parenthood Empire State Acts
- Beverly Cooper Neufield, Founder and President, POWHer New York
- Kimberlé Crenshaw, Professor of Law, Columbia Law School
- Michelle Ebanks, President, Essence Communications Inc. and People en Espanol
- Cathy Engelbert, CEO, Deloitte
- Eileen Fisher, Founder and Chairwoman, EILEEN FISHER, Inc.
- Anne Fulenwider, Editor-in-Chief, Marie Claire US
- Liliana Gil Valletta, CEO and Co-Founder, CIEN+ and Creator, Dreamers Ventures
- Audrey Gelman, CEO and Co-Founder, The Wing
- Hayley Gorenberg, Deputy Director and General Counsel, Lambda Legal
- Eve Guillergan, Principal Attorney, Eve Guillergan PLLC
- Lieutenant Governor Kathy Hochul
- Karen Ignagni, President and CEO, EmblemHealth
- June Jee, Board Member and Immediate Past President, OCA-NY
- Kristina Johnson, Chancellor, SUNY
- Karen King, Executive Director, The Erie County Commission on the Status of Women
- Cindi Leive, Journalist and Former Editor-in-Chief of Glamour and Self
- Donna Lieberman, Executive Director, New York Civil Liberties Union
- Andrea Miller, President, National Institute for Reproductive Health
- Rebecca Minkoff, Creative Director and Co-Founder, Rebecca Minkoff
- Ana Oliveira, President and CEO, The New York Women's Foundation
- Sonia Ossorio, President and CEO, National Organization for Women New York
- Stephanie Redish Hofmann, Director of Agency Development, Google
- Hilda Rosario Escher, President and CEO of Ibero American Action League
- Christine Sadowski, YWCAs of New York State
- Faiza J. Saeed, Presiding Partner, Cravath, Swaine & Moore LLP
- Pamela Shifman, Executive Director, NoVo Foundation
- Ruchi Shah, Founder and CEO, Mosquitoes Be Gone
- Jillian T. Weiss, Executive Director, Transgender Legal Defense and Education Fund
- Kathryn Wylde, President and CEO, Partnership for New York City
- Melanie Whelan, CEO, SoulCycle
- Teresa C. Younger, President and CEO, Ms. Foundation

Introduction

New York has a long and proud legacy of leading the way to advance women's rights. From the birth of the women's rights movement at Seneca Falls to the recent passage of the most comprehensive Paid Family Leave policy in the nation, New York continues to champion women's rights and break down barriers to equality. Governor Cuomo knows that when women succeed, New York succeeds, and he has made historic achievements to advance women's equality, including the below:

- Passed the Women's Equality Agenda in 2015, a series of new laws aimed at achieving pay equity, strengthening human trafficking laws, protecting domestic violence victims and ending pregnancy discrimination in the workplace.
- Set the highest minority-and-women-owned-enterprise contracting goal in the nation at 30 percent.
- Created the most comprehensive state Paid Family Leave program in the nation in 2016. Starting January 1, 2018, employees will be eligible for eight weeks of paid family leave to bond with a child, take care of a family member with a serious health condition, or help relieve family pressures when a family member is called to active military service. When fully phased in, New Yorkers will be eligible for 12 weeks of paid time off.
- Launched the Enough is Enough initiative, the most aggressive policy in the nation to combat sexual assault on college campuses in 2016. Additionally, the Governor allocated a total of \$6.4 million for Sexual Assault Prevention and Assistance providers across the State.
- Signed two executive orders ensuring pay equity by State employers and contractors, gathering data from State contractors about pay demographics and banning State employers from asking about prospective employees' previous salaries.
- Improved access to breast cancer screening by expanding screening hours at hospitals and clinics, removing insurance barriers, and offering paid leave for screenings to all public employees. Additionally, in 2017 Governor Cuomo passed legislation requiring health insurers in New York State to provide medically necessary coverage for 3-D mammograms without co-pays, coinsurance, or deductibles.
- Ended child marriage by raising the age of consent from 14 to 18 in 2017.
- Ensured that contraceptive drugs and devices and medically necessary abortions are covered by commercial health insurance policies without co-pays, coinsurance or deductibles—regardless of the future of the Affordable Care Act.



While we have made great progress over the last seven years, we know that there is still work to do.

- While New York has the smallest pay gap of any state in the nation, women still earn only **89 cents** on the dollar.
- Women of color earn even less: New York's Asian American, African American and Hispanic and Latina women are paid **85 cents**, **66 cents** and **50 cents**, respectively, for every dollar earned by white non-Hispanic males.
- Women in New York earn less per dollar than men, while **77 percent** of single parent families in New York are headed by women.
- More than **50 percent** of minimum wage workers in New York are women.
- New York state law enforcement responds to more than **half a million** domestic violence calls per year, and domestic violence is the reason cited for **25 percent** of homelessness for women and children.
- More than **one in six** female high school students in New York report being forced into sexual activity.
- New York ranks **30th** in the nation for maternal mortality rates.
- Child care for an infant and a four-year-old reaches nearly **\$26,000** in New York State, surpassing the cost of college.
- Women make up half of the total U.S. college-educated workforce, but only **29 percent** of the science and engineering workforce.





I: Health

Pass the Contraceptive Coverage Act

One of the greatest impediments to gender equality is the inability to make justified reproductive health decisions or decide when and if to become a parent. Contraception has been a critical tool for women to gain economic and social independence. The use, accessibility and availability of contraception also reduces the rate of unintended pregnancy and abortion.¹

As the federal government rolls back access to reproductive health care, the State of New York will continue to protect those rights. New York will not force teenagers to become parents because of a lack of access to contraception and will not make families struggle with family planning options that are, at best, antiquated. Governor Cuomo has long fought to protect access to reproductive health care for all New Yorkers, including contraception and abortion, and he will continue to fight for these essential rights.

In 2017, Governor Cuomo fought to uphold the reproductive health protections of the Affordable Care Act, irrespective of federal action, by enacting regulations that ensured access to cost-free contraception. In 2018, the Governor will advance legislation to codify access to contraception, including emergency contraception, into New York State law, by passing the Comprehensive Contraceptive Coverage Act.

Codify *Roe v. Wade* into State Law and Constitution

New York has a proud history of being the progressive capital of the country and advancing the empowerment of women. As part of his commitment to uphold that legacy, Governor Cuomo has fought for women to have access to the reproductive health services they need, when they need them, including contraception and abortion. In the face of disruptive threats from the federal government, the Governor has taken action to protect access to reproductive health services by requiring health insurers to cover contraceptive drugs and devices and all medically-necessary abortion services without co-pays, coinsurance, or deductibles.

For years, Governor Cuomo has pushed to codify the Supreme Court's *Roe v. Wade* decision and subsequent rulings into State law to secure women's access to reproductive health options. This year, the Governor will again call for the passage of legislation to ensure the right of women to make personal health care decisions to protect their health in addition to their life and ensure that health care professionals can provide these crucial services without fear of criminal penalty. The Governor will also continue to champion a constitutional amendment to codify these protections into the State constitution.

Today, as there is a true assault and attempt to roll back access to all reproductive health care and undermine women's abilities to control their own health decisions, there has never been a more critical time for protecting access to reproductive health services. The fundamental right to bodily integrity must be respected and the Governor will fight to protect women's reproductive health care in New York.

Improve Access to IVF and Fertility Preservation Services

Under current law, all commercial health insurance plans include coverage for nearly all infertility medical services. The one primary exception exists for in vitro fertilization (IVF), which had previously been considered experimental in nature.

Assisted reproduction, including treatment for infertility and IVF, has changed the lives of millions of families over the last few decades. Approximately 12 percent of women age 15-44 years old

struggle to conceive or carry a pregnancy to term.² Additionally, the ability of women to become pregnant gradually decreases beginning at age 32 and more rapidly at age 37.³ Since the infertility coverage mandate was added to New York law in 2002, the success rate of in vitro fertilization as an infertility treatment has increased, the cost has declined and the treatment can no longer be credibly characterized as experimental. Some plans, such as the NYS Health Insurance Plan (NYSHIP), even opt to include IVF as a covered benefit. As a result, it is time to revisit whether New York's coverage mandate for infertility services should permit insurers to exclude coverage for in vitro fertilization.

Governor Cuomo will direct the Superintendent of Financial Services to evaluate the best approach for incorporating coverage for in vitro fertilization into New York's infertility mandate. The Superintendent of Financial Services will therefore analyze the insurance premium consequences of coverage for in vitro fertilization other appropriate considerations to ultimately ensure that New York families confronting infertility have appropriate access to affordable in vitro fertilization. The analysis shall incorporate the lessons learned from the states that currently require coverage for in vitro fertilization and shall also include recommendations on any appropriate coverage limitations or treatment requirements.

As a corollary, New York law needs to be updated to ensure individuals have access to fertility preservation services when appropriate. The Superintendent's study shall also make recommendations to ensure that New Yorkers receiving chemotherapy, radiation, surgery or other medical services that may compromise their fertility have coverage for the medical services necessary to preserve their ability to have children in the future.

Lastly, it is imperative that all New Yorkers have access to infertility treatment and fertility preservation services regardless of sexual orientation or marital status. As such, the study shall also include a review of the State's current infertility definitions, including required trial and waiting periods, and make recommendations to ensure same-sex couples and singles also have affordable options to grow their families.

Launch Multi-Agency Effort to Combat Maternal Depression

As a champion for New York's children and families, Governor Cuomo recognizes the critical difference skillful, prompt and compassionate care can mean for women with maternal depression, which affects as many as one in seven mothers nationally. Screening increases detection, diagnosis and intervention for maternal depression, which is highly treatable if identified early. But too many front-line physicians lack sufficient training to treat depression in women who are pregnant or breastfeeding, too many women lack access to information about available services and stigma is a barrier between new moms and the mental health services they may need.

To strengthen and support the ability of New York's health care providers to deliver care to mothers experiencing maternal depression, Governor Cuomo will advance an aggressive strategy to ensure that all new mothers have access to screening and treatment. First, the Governor will direct the Department of Financial Services to require that all health insurance policies issued in the State include coverage for maternal depression screening by both adult and pediatric primary care providers, as well as speedy referrals to treatment specialists. Insurance policies that cover the child but not the mother, must provide coverage for maternal depression screening, as a critically important preventative care intervention for the health of the child. This directive will build upon additional measures to expedite referrals and treatment, including expansion of Project TEACH to connect primary care providers with mental health specialists, enhanced screening and referrals at Women, Infants, and Children (WIC) Clinics and increased access to telepsychiatry for those in rural communities. Second, the Governor will direct the Department of Health (DOH) and the Office of

Mental Health (OMH) to launch a strategic awareness campaign to provide life-saving information about symptoms and treatment options, and to more broadly remove the stigma associated with maternal depression. Third, the Governor will direct DOH and OMH to advance cutting-edge specialty programs to treat maternal depression, including a mother-baby inpatient unit and outpatient programs that focus on maternal depression.

Collectively, these efforts will strengthen the capacity of providers to address the mental health concerns of their pregnant and postpartum patients, so that women at risk or already suffering from maternal depression will have better health and access to care.

Establish the Maternal Mortality Review Board to Save Lives

The Department of Health implemented the Maternal Mortality Review (MMR) and Prevention Initiative in 2010 to review all maternal deaths with the goal of ensuring a comprehensive review of factors leading to maternal deaths in New York State. The MMR committee is comprised of clinicians and other key stakeholders from professional organizations and hospitals to review aggregate data and provide recommendations for prevention and improvements in medical care and to identify focus areas for education and quality improvement.

Although the initiative has led to improvements in reducing maternal mortality rates since 2010, New York State still ranks 30th in the nation for lowest maternal mortality rate. Moreover, staggering racial disparities persist, as African American women are almost four times more likely to die in childbirth than white women.

To ensure that no family or community suffers a loss of a mother due to a preventable pregnancy-related death, DOH will convert the existing MMR committee into a formalized Board that will implement an enhanced multidisciplinary analysis to review each and every maternal death in the New York State and to develop actionable recommendations to improve care and management. DOH is partnering with the American College of Obstetricians and Gynecologists to guide the implementation of the MMR Board, which will be comprised of leading clinical experts.

Add Experts in Women’s Health and Health Disparities to the State Board of Medicine

Despite encouraging trends, health care disparities by race and gender are still pervasive. The data demonstrate that women have poorer health outcomes than men. A 2016 study found that women are 50 percent more likely to be misdiagnosed following a heart attack. The issue is intensified by racial disparities— according to the CDC, African-American mothers in the U.S. die at three to four times the rate of white mothers, one of the widest of all racial disparities in women’s health. Recent research has suggested that the difference in health outcomes between male and female patients may be partly attributable to sexism in health care, and the National Institute of Health did not require research studies to include female subjects until 2016. A different study found that when treating chronic pain, doctors were more likely to prescribe painkillers for men, but sedatives for women.

The State Board of Medicine in New York State is the body charged with licensing doctors in the State and is made up of at least 20 doctors. There is no requirement that any of these doctors have expertise or experience in women’s health or health disparities. The Governor proposes amending the statutory language to require that one of the doctors on the State Board of Medicine be an expert on women’s health and one of the doctors be an expert in health disparities.



||: Safety

Pass the Equal Rights Amendment

Nearly a century after it was first proposed, New York State has still not passed the Equal Rights Amendment to protect against discrimination on the basis of sex in our State constitution. To right this decades-old wrong, Governor Cuomo will push to pass the Equal Rights Amendment to add sex as a protected class. With this change, Section 11 of Article 1 of the Constitution will read: No person shall be denied the equal protection of the laws of this State or any subdivision thereof. No person shall, because of race, color, sex, creed or religion, be subjected to any discrimination in his or her civil rights by any other person or by any firm, corporation or institution, or by the State or any agency or subdivision of the state.

Remove Firearms from Domestic Abusers

New York has the strongest gun safety laws in the nation, but gaps remain in the laws, permitting domestic abusers to retain certain types of firearms even after orders of protection and criminal convictions have been obtained. The continued possession of firearms by these individuals is an issue closely tied to gun violence and gun violence deaths. In nine of the 10 deadliest mass shootings in United States history, including Las Vegas and Sutherland Springs, the shooter had an existing record of committing violence against women, threatening violence against women or openly disparaging women. The evidence is clear: when a gun is involved in a domestic violence situation, the threat of death increases by 500 percent.



Given the documented link between domestic violence and lethal gun violence, Governor Cuomo is closing loopholes in our legislative framework so that all types of firearms are removed from domestic violence perpetrators. New York law prohibits the possession of firearms for individuals convicted of felony or “serious” offenses, but this excludes certain misdemeanor offenses involving domestic violence. To ensure that no domestic abuser continues to possess a firearm, Governor Cuomo will advance legislation to update the list of prohibited offenses to include those domestic violence misdemeanors which are shockingly absent from current law.

Under existing New York law, possession of handguns can be prohibited by judges under certain circumstances including the issuance of an order of protection or a conviction for a felony or “serious” offense conviction. While sensible and well-intentioned, the law fails to address possession of long guns such as rifles and shotguns. The proposed legislation will correct this by mandating that rifles and shotguns are surrendered to law enforcement when hand guns are surrendered, such as in the cases of domestic violence convictions and the issuance of orders of protection. This legislation targets the unquestionable relationship between domestic violence and gun violence. It will serve the dual purpose of protecting future potential victims of domestic violence—and the public at large.

End Sextortion and Revenge Porn

Advances in technology and widespread use of social media have enabled new forms of sexual exploitation and targeted harm that are not sufficiently addressed by existing law. Sextortion is a type of exploitation that involves either coercion to extort sexual acts from the victim, or the use of sexual images or videos as a form of blackmail to force the victim to participate in sexual acts, while revenge porn is the non-consensual dissemination of sexually explicit images or videos intended to harm another.

According to a 2016 Brookings Institute report, 71 percent of the sextortion cases studied involved victims under the age of 18 with the vast majority being female.⁵ Most sextortion cases involve social media manipulation where the perpetrator deceives the victim into sending compromising pictures and, then, coerces them for additional material. This manipulation is particularly prevalent with underage victims, occurring in 91 percent of their cases. Unfortunately, reports of these crimes are dramatically rising. There was a 90 percent increase in reported sextortion between 2014 and 2015.⁶ These crimes traumatize their victims and cause serious harm, with nearly a quarter of sextortion victims seek out physical or mental health services.⁷

To end this disturbing form of sexual exploitation, Governor Cuomo proposes a two-pronged approach that will criminalize disclosing or threatening to disclose sexually compromising images or videos with the intent to cause material harm to the victim's mental or emotional health or to compel the victim to undertake some sexual act; and compelling a person to expose him or herself or engage in sexual conduct by threatening to harm the victim's health, safety, business, career, financial condition, reputation or personal relationships. This new legislation will create the following crimes, which will also require registration as a sex offender:

- **Unlawful Publication of Sexual Images:** With intent to cause material harm to mental or emotional health, a person (1) disseminates images of intimate sexual nature; or (2) compels another to engage in conduct by threatening to disseminate images of an intimate sexual nature. This will be a Class A misdemeanor; punishable by up to one year in jail or three years of probation.
- **Sexual Extortion in the 3rd Degree:** A person compels or induces another person to expose his or her sexual or intimate parts or engage in sexual conduct by instilling fear in him or her that, if the demand is not complied with, the actor will perform an act intended to harm the person, or another person, with respect to his or her health, safety, business, career, financial condition, reputation or personal relationships. This will be a Class E Felony; punishable by up to four years in prison.
- **Sexual Extortion in the 2nd Degree:** Same as above but the victim is under 17-years-old. This will be a Class D Felony; punishable by up to seven years in prison.
- **Sexual Extortion in the 1st Degree:** Same as above but the victim is under 15-years-old. This will be a class C Felony; punishable by up to fifteen years in prison.

Governor Cuomo is taking immediate actions to combat this rising and disturbing form of crime. Through these actions, New York State will be better positioned to protect individuals from sexual extortion and to hold the deplorable individuals who engage in these practices accountable for their actions.

Extend the Storage Timeline for Forensic Rape Kits at Hospitals

The issue of collecting and storing sexual offense evidence, such as rape kits, continues to be a serious problem. In fact, New York has the nation's shortest sexual offense evidence storage mandate, requiring hospitals to store kits for a minimum of only 30 days before the evidence is discarded. This limits the ability of survivors to make decisions about their cases and access evidence for prosecution or other personal reasons. This can be especially challenging for younger victims who may be undecided on whether-or-not to release their kit to law enforcement.

This year, Governor Cuomo will advance new legislation to extend the length of time sexual offense evidence collection kits are preserved to at least five years, or when the victim turns 19, depending on which circumstance provides the longest length of time for the victim to collect the evidence. In addition, the legislation will mandate that a survivor be notified well before evidence is destroyed. The Governor's proposed legislation better reflects previous action taken to lift the statute of limitation on rape and the overwhelming evidence showing rape kits help identify serial rapists.⁸ This proposal will also protect the rights of sexual assault victims while maintaining their right to choose when to report the crime to law enforcement and ensures that their evidence be maintained with integrity until they choose to have the kit tested.

Extend Human Rights Law Protections to All Public School Students Statewide

New York has the proud distinction of being the first state in the nation to enact a Human Rights Law, affording every citizen "an equal opportunity to enjoy a full and productive life." The New York State Division of Human Rights is the agency in charge of enforcing this law, which prohibits discrimination in employment, housing, public accommodations, credit, and other jurisdictions, based on age, race, national origin, sex, sexual orientation, marital status, disability, military status, and other specified classes.

However, following a 2012 decision by the New York State Court of Appeals that found public schools did not fit the definition of an "education corporation or association," the State Division of Human Rights lost its ability to investigate reports of bullying, harassment, or other discrimination being made by public school students. This decision was made despite the fact that the Division had asserted jurisdiction over public schools for nearly three decades and was forced to dismiss over 70 open complaints filed against public schools at the time.

This year, Governor Cuomo will advance legislation to amend the Human Rights Law to protect all public school students and institutions from discrimination. All students in the State of New York must have the right to pursue an education free from discrimination.



III: Workplace

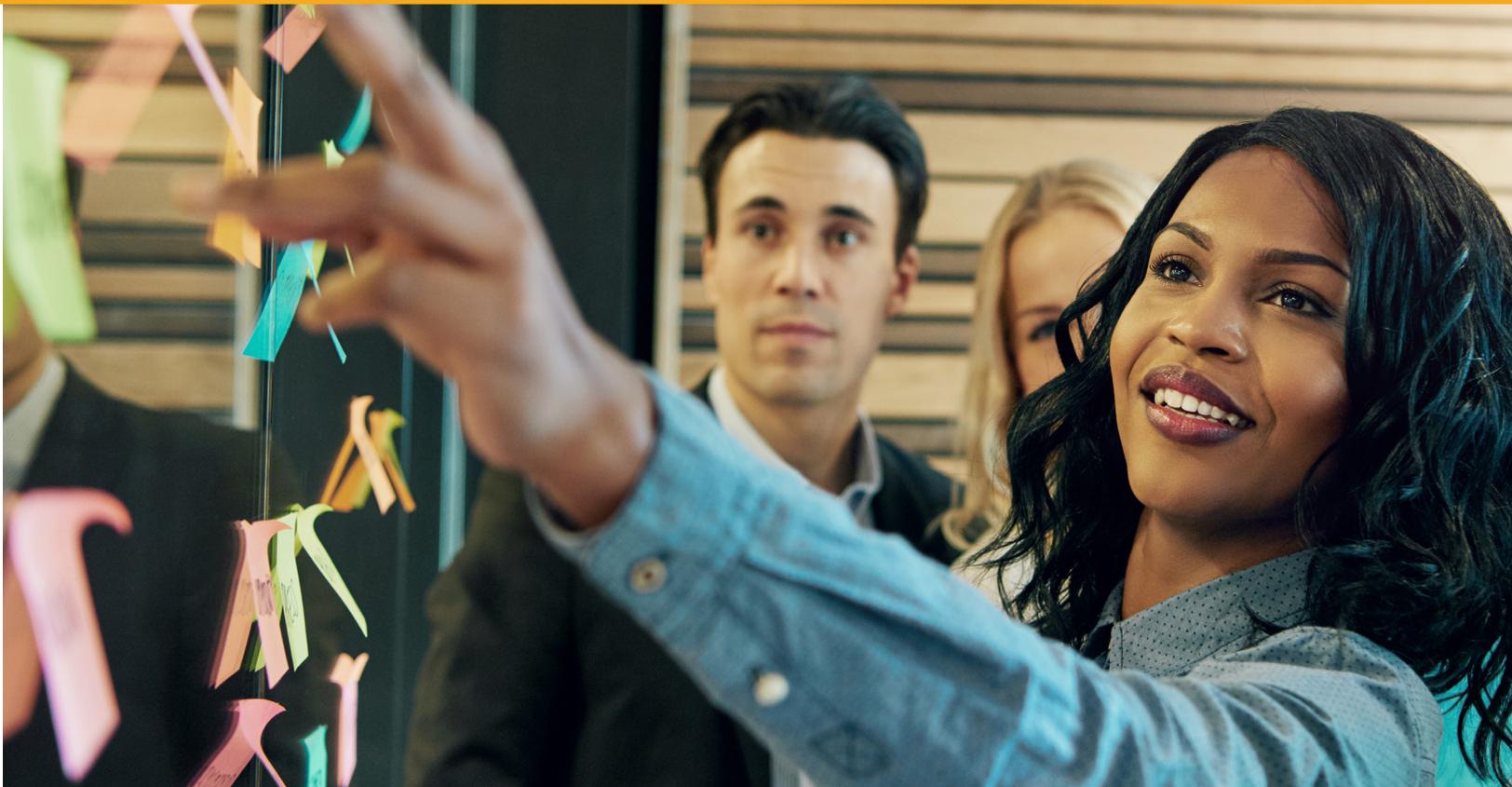
Combat Sexual Harassment in the Workplace

In the past few months, rampant allegations of sexual harassment and misconduct against executives, celebrities and politicians have come to light, seeking justice against those who leveraged their positions of power and prominence for sexual gain. This pervasive abuse tears at the fabric of society and violates, not only the personal, but the public trust. Sexual harassment afflicts people of every gender, race, age and class, and there must be zero tolerance for sexual harassment in any workplace, including State and local government. The Governor proposes a multi-pronged plan that targets sexual harassment in the workplace. Governor Cuomo will advance legislation to prevent taxpayer funds from being used for settlements against individuals relating to sexual assault or harassment and to ensure that individual harassers are held accountable.

To further ensure accountability, the Governor proposes a uniform code of sexual harassment policies binding on all State branches of government, agencies and authorities and an independent and anonymous whistleblower process to help individuals to communicate complaints across State and local government without fear of retribution or consequence. To help bring justice to victims of sexual harassment, Governor Cuomo also proposes legislation that would void forced arbitration policies or clauses in employee contracts that prevent sexual harassment cases from consideration in law enforcement investigation and court trials.

To combat the culture of silence that too often shields abusers from accountability, Governor Cuomo will take a series of actions to promote transparency while simultaneously protecting the identity and privacy of those who are harassed. Governor Cuomo will advance legislation to prohibit confidentiality agreements relating to sexual assault or harassment for all public entities and branches of government—State and local—unless it is the express preference of the victim. In addition, Governor Cuomo proposes mandatory annual reporting for any companies that do business with the State that will require disclosure of the number of sexual harassment violations and nondisclosure agreements executed by that company. These measures will ensure that all employees are provided with a safer work environment, to which they are all entitled.





Call on the New York State Common Retirement Fund to Invest in Companies with Women and Minority Leadership

Governor Cuomo has taken bold action to support women and minorities in achieving representative participation in the economy. New York State’s Minority and Women Business Enterprises Program has seen dramatic increases in participation due to the Governor’s goal of 30 percent MWBE State contract utilization—the highest goal of any state in the nation.

The Governor has overseen the creation of a nation-leading menu of programs and initiatives to encourage MWBEs to become certified and to provide them with the technical tools and financial support needed to compete for and win larger contracts, enter new markets and create new good-paying jobs. However, despite this progress, women and minorities remain severely underrepresented in business ownership, in management roles and on corporate boards. For example, while women make up over half of the U.S. population and nearly half of the corporate workforce, they make up only about 20 percent of corporate boards.⁹

To further address these imbalances, in 2018, Governor Cuomo will call for the New York Common Retirement Fund to invest in companies with adequate female and minority representation in their management and on their boards of directors. The Governor will work with Comptroller DiNapoli to put in place processes and standards to systematically invest in companies that invest in women and minority leadership. A company cannot have good management, by definition, if that management is not broadly representative of its employees, its customers, and society more broadly.

Reauthorize MWBE Program Legislation and Expand the MWBE Program to All State-Funded Contracts

Since taking office in 2011, Governor Cuomo has transformed the State's Minority and Women-Owned Business Enterprise Program. In 2014, the Governor increased the MWBE goal for State contracting from 20 to 30 percent—the highest in the nation. Since 2011, State-certified MWBEs have won more than \$10.4 billion in State contracts and the State has certified more than 6,600 MWBEs and re-certified more than 4,700 MWBEs. In the last two years alone, the State has certified over 2,100 MWBEs.

In 2017, the Governor released the New York State 2016 Minority and Women-Owned Business Enterprise Disparity Study, which evaluated the participation of MWBEs in State contracts from April 1, 2010 through March 31, 2015. The Study finds statistically-significant evidence of underutilization of MWBEs in State contracting in both the prime contract and subcontract levels in the construction, construction-related services, non-construction related services and commodities industries. The Study, therefore, provided ample support to continue the MWBE program and expand upon the State's ongoing efforts to increase access, resources, and business opportunities for the MWBE community. Based upon the Study findings and recommendations, the Governor will advance legislation that will seek the reauthorization of the program, which is due to expire this year, and increase the participation of minority and women-owned businesses in all levels of State contracting—both prime contractors and subcontractors.

In order to continue building on this promise, Governor Cuomo will also advance legislation during the 2017 session that will expand the MWBE Program to more contracts entirely funded by the State. Under current State law, MWBE goals only apply to State-funded contracts issued by State agencies and authorities, but do not attach to contracts issued by localities and other entities which are funded by the State. The legislation will require MWBE goals on State funds used for contracting purposes on the local level. The proposed changes to authorizing legislation and expansion to include all State-funded contracts will leverage the largest pool of State funding in history to combat systemic discrimination and create new opportunities for MWBE participation at every level. In doing so, the State will further its goal to help minority and women business owners overcome entrenched barriers to success.

Establish the Women Lead Fellowship to Promote Women in Government Leadership

To recruit more talented women to work in the highest levels of New York State government, the Governor proposes creating the new Women Lead Fellowship.

Ten new fellows will be placed alongside some of the most senior female officials within the Executive Branch. In addition to the responsibilities and opportunities of their specific placement, Women Lead Fellows will participate in a formal mentoring program with female Executive Chamber leaders, the opportunity to network with female elected officials and industry partners. Fellows will also be given the opportunity to earn a tuition free graduate certificate from the Rockefeller College Center for Women in Government and Civil Society.

Women Lead Fellows will be selected based on factors including but not limited to a demonstrated commitment to women's equality, strong interest in a career in public policy, substantial accomplishments in a professional environment and notable academic achievement. The creation of these positions will help recruit talented female leaders into New York State government.

Ensure Pay Equity and Close the Gender Wage Gap

While New York State has the smallest gender wage gap in the country, women still only earn the equivalent of 89 cents to each man's dollar, and that number is even less for women of color. New York's Asian American, African American, and Hispanic and Latina women are paid 85 cents, 66 cents, and 50 cents, respectively, for every dollar earned by white non-Hispanic males. In addition, 77 percent of single parent families in New York are headed by women, and these single mother families represent the largest number of families living in poverty in every region of New York State.

To address this inequity, in 2017, Governor Cuomo directed the Department of Labor to launch a gender wage gap study to identify the root causes of the gender wage gap—as well as strategies to close it. To review the causes, scope and economic impact of the gender pay gap in New York State, DOL held hearings and stakeholder discussions across the State and solicited testimony from a diverse array of academic experts, women's groups, workers, business owners and the public. In 2018, the DOL will unveil the results of their analysis, as well as a comprehensive suite of policy recommendations to help close the gap.

Support Women Returning to or Advancing in the Workforce

The gender pay gap is often addressed by targeting the glass ceiling, but to truly close the gap, these efforts must include support to move women off the “sticky floor.” Women face a wide range of barriers to economic self-sufficiency, such as access to child care and skill training, which keep women in low wage jobs with little opportunity for advancement.

To address this problem, Governor Cuomo proposes establishing a new \$175 million Consolidated Funding Application to support regional workforce investments across the State. These funds will support efforts to improve the economic security of women, youth and other populations that face significant barriers to career advancement. In particular, the State will bolster women returning to or advancing in the workforce by pursuing a new Women's Economic Empowerment Initiative, supporting female-headed households and providing training and job placement services accompanied by the critical wrap-around services women need to move toward economic self-sufficiency.

Power Women-Owned Businesses by Taking Steps to Close the Financing Gap

While women's entrepreneurship is on the rise, much work remains to ensure gender parity. Today, women in America lead only three percent of venture capital-backed startups, and comprise only four percent of venture capital investors. Access to capital continues to be a barrier for women-owned businesses. In fact, women on average start their businesses with half as much capital as men.

Recognizing the critical role that women play in powering our economic growth, Governor Cuomo will take a landmark step forward to close the financing gap by launching a comprehensive initiative to invest in women-owned businesses. At the Governor's direction, New York State's Innovation Venture Capital Fund will set a goal of investing \$20 million to support women as they grow and scale their businesses. Empire State Development will support this goal with strategic

outreach and marketing efforts targeted at women-owned businesses, including new events for female entrepreneurs. Empire State Development will also commit to continue supporting women entrepreneurs with access to capital across existing capital and revolving loan-fund programs to support women entrepreneurs and their businesses.

Establish New York State as a Model Employer for Working Parents

New York State employees can request reasonable accommodations, including flexible work schedules, without discrimination, yet many do not as they fear retaliation. In addition, while federal law requires employers to provide reasonable break time for employees who need to express breast milk, it does not require an employer to provide a permanent, private place to do so. Securing access to suitable spaces on an ad hoc basis puts an additional burden on new lactating mothers returning to the workforce. Similarly, the lack of accessible parking is a serious concern for pregnant employees and visitors alike.

Recognizing that a 21st century workforce requires a 21st century workplace, Governor Cuomo will take new actions to establish New York State as the best employer for working parents. First, Governor Cuomo will issue a memo requiring all State agencies to inform employees that flexible work schedule options may be available, and to process requests for flexible work in a timely manner. Additionally, New York State's job board now allows job seekers to search explicitly for flexible jobs.

Second, in order to set an example as a model employer, reduce stigma and create the most welcoming environment for new parents, Governor Cuomo is directing the Office of General Services (OGS) to establish permanent, private, nursing mothers' rooms and designate priority parking spots for pregnant people at all OGS buildings with dedicated parking lots.



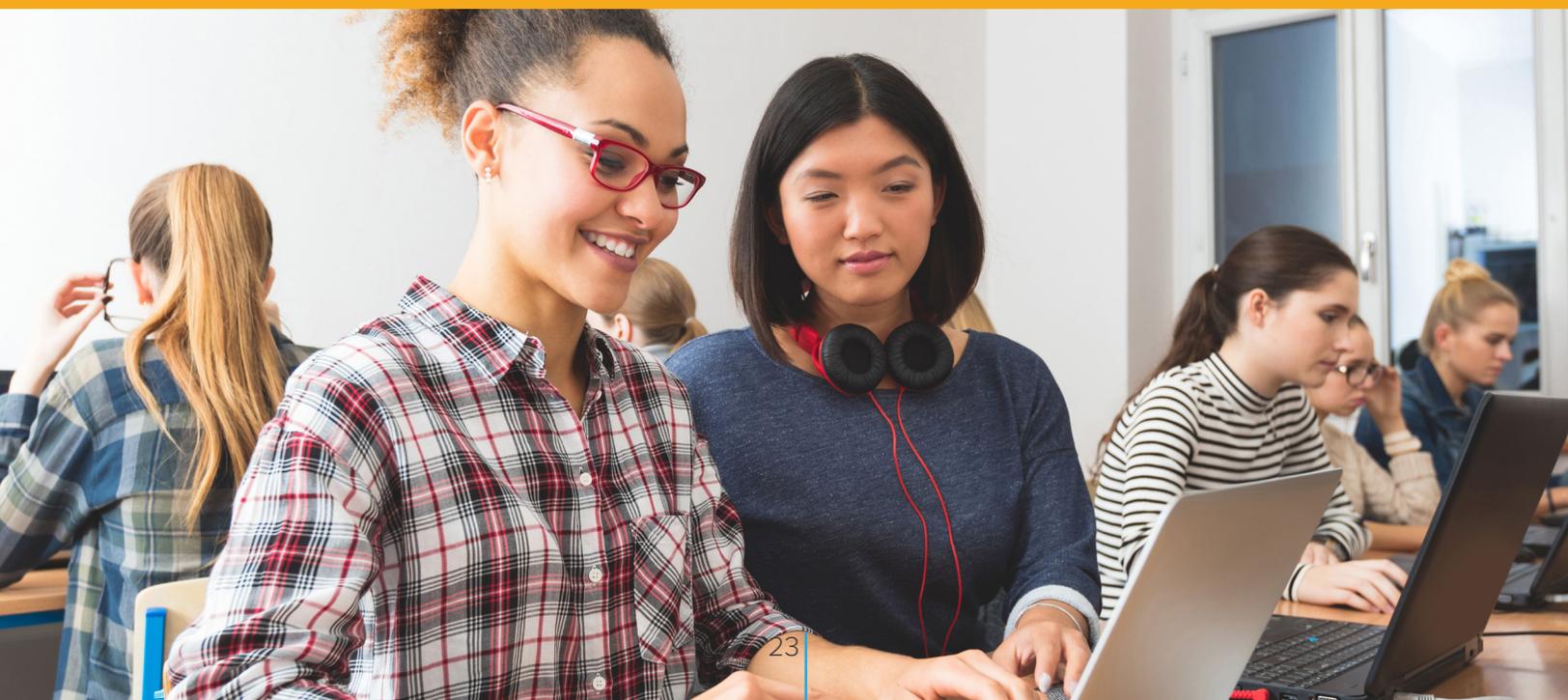
IV: Girls

Close the Gender Gap by Giving the Youngest Learners Access to Computer Science and Engineering

Computer science education is more important than ever before. Technology is among the fastest growing and highest paying sectors today, and the number one in-demand occupation in New York State but even though 93 percent of parents report that they want their child to study Computer Science the majority of New York public schools do not offer computer science in the classroom.^{11 12 13} In addition, there is a wide gender gap in the students studying computer science. In 2015, New York had only 3,801 computer science graduates; only 18 percent were female.¹⁴ Only 3,761 high school students in New York took the AP Computer Science exam in 2016; only 25 percent were female.¹⁵

This year, Governor Cuomo will launch the New York's largest State investment to expand high-quality computer science education by offering teacher support and resources in computer science and technology, especially for the youngest learners, starting as early as kindergarten and creating a continuum through 8th grade. It is important to reach students at an early age, as research has suggested that girls are less likely to pursue STEM careers as adults, even when equally mathematically talented; many boys of color fall behind early in their academic careers and, in many situations, never catch up.¹⁶ The Governor proposes a commitment of \$6 million a year for the Smart Start program that will provide grants to schools for teacher development in computer science and engineering, as well as a gender sensitivity training. All schools will be eligible but grants will go to the highest need schools first. By providing elementary school teachers support to become in-house experts in computer science, more students will be exposed to computer science and engineering and will self-select into it. Schools that receive an award will work with their Regional Economic Development Councils to tailor the program to regional businesses or future employers' needs.

In addition, the Governor will convene a working group of educators and industry partners create model computer science standards to be made available to any school. By equipping our young people with computer science skills at an early age today, we will prepare them for the jobs of tomorrow.



Launch “If You Can See It You Can Be It” A Day For Girls to See What is Possible

Marian Wright Edelman, renowned civil rights leader and founder of the Children’s Defense Fund famously proclaimed, “It’s hard to be what you can’t see.” While women are making strides for equality at a pace unmatched in history, society is still falling short. New York champions the belief that if you work hard, you too can be anything you want to be, no matter your gender, but there is more to do to help level the playing field.

To encourage more girls to enter “non-traditional” occupations and pursue positions in leadership in all fields, Governor Cuomo is announcing an “If You Can See It, You Can Be It” campaign. As part of Take Our Daughters to Work Day, born over 25 years ago in New York, New York State will enhance internal programming and partner with top New York companies to give more young girls the opportunity to shadow women leaders in “non-traditional” fields. The State will also be working to connect homeless youth, youth in foster care and young people from low-income areas to programming where they live. Additionally, the State will also develop an “If You Can See It, You Can Be It” PSA campaign and launch a learning module to give a broader audience of girls the tools to realize a limitless future.



Continue the Successful New York State Mentoring Program

Approximately 13,000 students, over six percent, still drop out of high school every year. The drop-out rate is even higher for Students with Disabilities and English Language Learners. Mentoring is recognized as a drop-out prevention strategy by the United States Department of Education.

A study of more than 14,000 adolescents found that youth with an adult mentor were twice as likely to attend college as their peers. Yet only half of youth in poverty report having an adult mentor. Research has found that youth with mentors were less likely to break the law or experience substance abuse. Mentors make a difference in helping students of all backgrounds succeed. A separate study found that girls that engaged in a supportive mentoring relationship were four times less likely to participate in bullying behaviors than girls without mentors.

Recognizing the importance of the role of a supportive adult in a child’s life, Governor Cuomo relaunched the New York State Mentoring program in 2015. In 1984, at the request of her husband, Governor Mario Cuomo, Mrs. Matilda Raffa Cuomo created and implemented The New York State Mentoring Program, the nation’s first statewide unique school based one-to-one mentoring program to prevent school dropout. Today, the New York State Mentoring program serves 1,766 students in 97 school-based sites across New York State.

Create the “Be Aware-Be Informed” Learning Module to Empower Young People to Forge Healthy Relationships

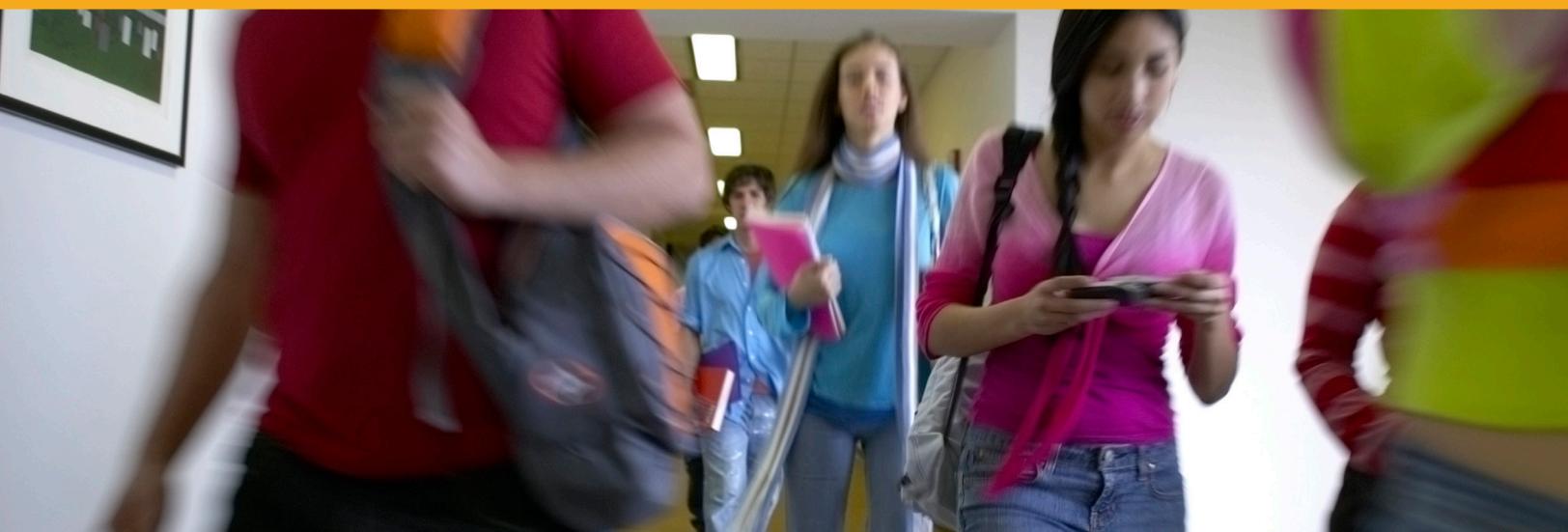
According to the CDC, New York students report a higher rate of physical dating violence than the national average, and more than one in six female high school students in New York report being forced into sexual activity. New York State law enforcement respond to over a half a million domestic violence calls a year, and domestic violence is the reason cited for 25 percent of homeless women and children. In addition, over 42 percent of dating violence incidents take place on school property, but only 3 percent of students notified an adult. Research suggests that these patterns of unsafe dating behaviors can begin as young as eleven.²⁹ However, effective education about the prevention of dating violence has been shown to lower its incidence by 60 percent. In the light of the #MeToo movement, all New York’s young people must have access to tools to lower incidence of sexual harassment, assault and teen dating violence.

Governor Cuomo proposes that State Education Department and the Department of Health coordinate to create a K-12 learning module on healthy relationships. Such curriculum will include the same definition of consent used in the successful Enough is Enough law to foment a common understanding for all students. Other topics shall include age-appropriate information on confronting and avoiding sexual harassment and assault and teen dating violence, as well as medically accurate sexual health. These actions will help ensure that students are safe at school and treated with respect and dignity. The State will give schools the ability to empower students to make healthy decisions in their personal lives.

Ensure Access to Menstrual Products in Public Schools

Many young women in New York lack access to menstrual products, which are as necessary as toilet paper and soap, but hardly ever as available or free. In New York, 42 percent of children in New York live in low income families.²³ At \$7 to \$10 a package, a month’s supply of something as simple as a box of pads or tampons can be one expense too many for struggling families.²⁴ The United Nations has even linked menstrual hygiene access to human rights.²⁵

This year, Governor Cuomo will propose legislation requiring school districts to provide free menstrual products, in restrooms, for girls in grades 6 through 12. This important step will make New York State a leader in addressing this issue of inequality and stigma, ensuring that no girl’s learning is hindered by lack of access to the products her biology demands.





V: Family

Implement the Nation's Most Comprehensive Paid Family Leave Policy

In 2016, Governor Cuomo signed into law the strongest, most progressive and most comprehensive Paid Family Leave policy in the nation. As of January 1, 2018, New Yorkers have job-protected paid time off to bond with a new child, care for a loved one with a serious health condition or help relieve family pressures when a loved one is called to active military service abroad. When fully phased in, New Yorkers will be eligible for up to 12 weeks of paid time off.

Since Paid Family Leave became law in 2016, the State has focused on getting the word out so New Yorkers can take full advantage of the benefits heading into 2018, with outreach efforts reaching millions of people: 1.7 million unique visitors to New York's dedicated website; 33,000 calls have been handled by NYS's toll-free PFL Helpline; 4 million people have been reached via social media; and 500,000 businesses have been contacted via U.S. Mail.

The implementation of Paid Family Leave includes the coordination of over 20 State agencies, including the drafting and adoption of two sets of regulations, the creation of systems for processing claims and handling discrimination cases, the development and testing of 15 new forms, and the creation of data collection systems and analysis for setting rates and tracking performance of the program.

Having launched on January 1, 2018, the State's focus is now on ensuring the success of Paid Family Leave. Going forward, cross-agency collaborations will ensure compliance with and enforcement of the new law and that all New Yorkers are aware of the benefit and how they can take advantage of it when needed. The State will also actively monitor and continuously improve the program and its component parts as the program's benefits continue to phase in, culminating in a 12 week benefit in 2021. New York State will also continue its comprehensive outreach campaign through events,





Invest \$25 Million to Expand Vital Pre-K and After-School Programs

In order to fulfill the promise of fully universal pre-kindergarten, and alleviate the child care burden on working families, Governor Cuomo will invest \$15 million to continue to expand universal pre-kindergarten for high-need students around the state, creating 3,000 new slots. In addition, to ensure that children of all physical and learning needs are able to participate in three- and four-year-old pre-kindergarten, the new expansion will include a focus on including students in integrated or community-based settings.

To ensure that as many students as possible have a safe and supportive place to go after-school, the State will launch an additional \$10 million round of Empire State After-School Grants to create 6,250 new slots in high-need areas—especially communities with high rates of homelessness. In order to combat gang and violent activity, \$2 million of this expansion will be directed to schools and community partners identified in at-risk areas. A new investment in after-school programs targeted to school districts with high rates of childhood homelessness or few safe after-school options will help ensure that children have a secure and productive place to be in the hours after school ends.

Increase State Funding to Provide Working Families with Affordable Child Care

Child care is an essential fact of life for working single parents and two-earner families but it costs more than rent on average in nearly half the country. In New York, where two-thirds of children under six have both parents in the workforce, typical childcare for an infant and four-year-old reaches nearly \$26,000, surpassing the cost of college.

As child care costs continue to soar, working parents should not be priced out of quality child care. Since 2011, Governor Cuomo has invested billions of dollars in subsidies to ensure that working families have access to quality affordable child care. Child care subsidies help parents and caretakers pay for some or all of the cost of child care. Families are eligible for financial assistance if they meet the State's low income guidelines and need child care to work, look for work or attend employment training. This year, Governor Cuomo will increase State support for child care subsidies by \$7 million above FY 2018 Budget funding levels, restoring recent cuts and sustaining a record level of funding.

Continue the Enhanced Child Care Tax Credit for Middle Class Families

In 2017, Governor Cuomo created the Enhanced Middle Class Child Care Tax Credit to reduce child care costs for working families. This expansion more than doubled the benefit for 200,000 families. This year, Governor Cuomo will continue the Enhanced Child Care Tax Credit for working families to continue to alleviate costs for families and support the needs of working parents.

Establish the Child Care Availability Task Force

To build on his investments in child care and the development of safe, accessible, and affordable child care, the Governor signed legislation establishing a new Child Care Availability Task Force. This task force, which will include representatives from the child care provider community, the advocacy community, representatives of the business community, unions that represent child care providers, representatives from several State agencies and local departments of social services, will be responsible for examining access to affordable child care; availability of child care for those with nontraditional work hours; statutory and regulatory changes that could promote or enhance access to child care; business incentives to increase child care access; and the impact on tax credits and deductions relating to child care.

Ensure Equal Access to Diaper Changing Stations in Public Restrooms

Currently, New York State law does not require all publicly accessible restrooms to be equipped with changing tables. This means that parents and caregivers of young children often struggle to find a safe, sanitary place to change their child's diaper. In addition, when changing tables are available, they are disproportionately available in only women's restrooms. Many parents and caregivers have been forced to change a diaper in public, to use unsafe, unsanitary bathroom sinks—or even to delay changing a diaper altogether. Research published in the medical journal *Pediatrics* showed that staying in soiled diapers increases a child's risk for painful skin rashes, scarring and infections, with potentials serious side effects such as kidney damage, poor growth and struggles developmentally and socially.

Building on a proud legacy of fighting for the rights of new parents and the health of infants, Governor Cuomo proposes to change New York's Uniform Building Code to require all new or substantially renovated buildings with publicly accessible restrooms to provide safe and compliant changing tables. This policy will apply to businesses, including restaurants, stores and movie theaters, as well as State facilities, like parks and DMV offices. Changing tables will be available to both men and women, and there must be at least one changing table accessible to both genders per publicly-accessible floor. For bathrooms without a changing table, building owners or managers must post clear signs directing the public to the location of the nearest available changing table.

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- ³⁶Disparities, Remove Firearms from Domestic Abusers, Close the Gender Wage Gap, Continue the Successful New York State Mentoring Program, Create the Be Aware Be Informed Learning Module, Continue the Enhanced Child Care Tax Credit for Middle Class Families,
- ³⁷Ensure Equal Access to Diaper Changing Stations in Public Restrooms



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