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**SUBSTITUTE SENATE BILL 5166**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Higher Education & Workforce Development (originally sponsored by Senators Hasegawa, Carlyle, Frockt, Palumbo, and Nguyen)

AN ACT Relating to providing religious accommodations for students at postsecondary educational institutions during exams or other requirements to successfully complete a program; amending RCW 28B.10.039; adding a new chapter to Title 28B RCW; and recodifying RCW 28B.10.039.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 28B.10.039 and 2014 c 168 s 4 are each amended to read as follows:

((~~Institutions of higher education~~)) (1) Postsecondary educational institutions must develop policies to accommodate student absences ((~~for up to two days per academic year,~~)) to allow students to take holidays for reasons of faith or conscience or for organized activities conducted under the auspices of a religious denomination, church, or religious organization, so that students' grades are not adversely impacted by the absences.

(2) Students' sincerely held religious beliefs and practices must be reasonably accommodated with respect to all examinations and other requirements to successfully complete a program. Instructors may schedule alternative times without prejudicial effect before or after the regularly scheduled examination or other requirement to successfully complete a program. Instructors must accept at face value the sincerity of the students' religious beliefs and must keep requests for accommodation confidential unless disclosure of the request is required to facilitate the accommodation with campus administrators. The postsecondary educational institution must make alternative accommodations for a student when:

(a) A student's sincerely held religious belief or practice materially impacts the student's ability to perform on an examination or meet a requirement to successfully complete a program; and

(b) The student has provided written notice within the first two weeks of the beginning of the program of the specific dates the student requests alternative accommodations from the examination or requirement.

(3) Postsecondary educational institutions must:

(a) Distribute a copy of the postsecondary educational institution's policy to faculty, students, and administrators, and ensure the policy is published on its web site. Postsecondary educational institutions must also include the policy in any future publication of any publicly available handbook or other document regularly provided to faculty, students, and staff.

(b) Provide instructors, faculty, school administrators, and other relevant staff a nonexhaustive list of major religious holy days or festivals for the following two academic years to facilitate planning.

(4) Instructors at each postsecondary educational institution must include in each course syllabus a statement regarding the postsecondary educational institution's religious accommodation policy, including a description of the general procedure to request accommodations and informing students of the point of contact by which they may seek accommodation or further information about the policy.

(5) Postsecondary educational institutions must provide a process for students to notify the Title IX coordinator, a Title IX coordinator's designee, or a designated staff member if there is no Title IX coordinator, of any grievances with regard to implementation of this section, and to seek redress.

(6) No fees shall be imposed on students by postsecondary educational institutions as a result of seeking accommodation under this section.

(7) For the purposes of this section, "postsecondary educational institution" means an institution of higher education as defined in RCW 28B.10.016, a degree-granting institution as defined in RCW 28B.85.010, a private vocational school as defined in RCW 28C.10.020, school as defined in RCW 18.16.020, and any entity offering academic credit for an apprenticeship program under RCW 49.04.150.

NEW SECTION. **Sec.**  RCW 28B.10.039 is recodified as a section in a new chapter in Title 28B RCW.

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