

HOUSE BILL REPORT

SSB 5166

As Reported by House Committee On: College & Workforce Development

Title: An act relating to providing religious accommodations for students at postsecondary educational institutions during exams or other requirements to successfully complete a program.

Brief Description: Providing religious accommodations for postsecondary students.

Sponsors: Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Hasegawa, Carlyle, Frockt, Palumbo and Nguyen).

Brief History:

Committee Activity:

College & Workforce Development: 3/20/19, 3/28/19 [DPA].

Brief Summary of Substitute Bill (As Amended by Committee)

- Amends the requirement for institutions of higher education to accommodate a student's absences based on reasons of faith or conscience, to include additional postsecondary educational institutions and to allow for more than two days of absences.
- Requires faculty to coordinate scheduling of exams or other activities with students who, due to the observance of religious holidays, expect to be absent or endure a significant hardship during certain days of the course or program.

HOUSE COMMITTEE ON COLLEGE & WORKFORCE DEVELOPMENT

Majority Report: Do pass as amended. Signed by 10 members: Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Bergquist, Mead, Paul, Pollet, Ramos, Sells and Slatter.

Minority Report: Do not pass. Signed by 6 members: Representatives Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Kraft, Rude, Sutherland and Young.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Trudes Tango (786-7384).

Background:

Institutions of higher education are required to have policies to accommodate a student's absences for up to two days per academic year, to allow the student to take holidays for reasons of faith or conscience or for organized religious activities, so that student's grades are not adversely impacted by the absences.

Institutions of higher education are the public four-year institutions and the community and technical colleges.

Summary of Amended Bill:

The requirement to develop policies to accommodate a student's absences for reasons of faith or conscience or for organized religious activities is expanded to: (1) include degree-granting institutions, private vocational schools, cosmetology schools, and any entity offering academic credit for apprenticeship; and (2) allow for more than two days of absences per academic year.

The institution's policy must require faculty to reasonably accommodate students who, due to the observance of religious holidays, expect to be absent or endure a significant hardship during certain days of the course or program. "Reasonably accommodate" means coordinating with the student on scheduling examinations or other activities necessary for completion of the program and includes rescheduling examinations or activities or offering different times for examinations or activities.

A postsecondary educational institution must provide notice to students by publishing its policy on its website and including either the policy or a link to the policy in course or program syllabi. The notice must also include notification of the institution's grievance procedure.

The institution may not impose fees on students as a result of seeking accommodations.

Amended Bill Compared to Substitute Bill:

The amended bill strikes the provisions regarding: accepting sincerity of religious beliefs at face value; keeping requests confidential; requiring the religious belief or practice to materially impact ability to perform; requiring the student's written notice the first two weeks of the program; requiring institutions to provide a list of religious holy days; and requiring institutions to provide a process for students to notify the Title IX coordinator of grievances and to seek redress.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) During Ramadan, students fast, which makes it difficult for them to perform well on examinations. The intent is not to allow students to opt out of taking exams. The bill helps create a welcoming and respectful school environment and accommodates students of all faiths. The bill is not just for one specific community. Two days of absences is not sufficient and the current law lacks other details that would let students know their rights. The bill outlines when the policy applies. Institutions should be required to make the policies widely available. The current law sets up the structure of what institutions should provide but in some cases institutions are not providing accommodations, and it ends up being left up to the discretion of the instructor. There is no consistency. Reasonable accommodations may look different depending on the religion.

(Opposed) None.

(Other) Statutes should not dictate what instructors should include in their syllabus. Some classes do not have a syllabus.

Persons Testifying: (In support) Senator Hasegawa, prime sponsor; B.J. Dondoyano, Jr.; Maggie Qerimi, Anti-Defamation League; Paul Benz, Faith Action Network; Guillermo Rogel, Washington Student Association; Max Patashnick, Jewish Federation; and Aya Samman, Karam Foundation.

(Other) Calli Mortenson Ellis, The Evergreen State College.

Persons Signed In To Testify But Not Testifying: None.