

SENATE BILL REPORT

SSB 5166

As Amended by House, April 10, 2019

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: Higher Education & Workforce Development: 1/24/19, 1/29/19 [DPS-WM, w/oRec].

Ways & Means: 2/04/19 [w/oRec, DNP, w/oRec].

Floor Activity:

Passed Senate: 2/25/19, 33-16.

Passed House: 4/10/19, 64-28.

<p style="text-align: center;">Brief Summary of First Substitute Bill</p> <ul style="list-style-type: none">• Requires postsecondary institutions to accommodate students whose sincerely held religious beliefs impact exam performance or successful program completion.

SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5166 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Palumbo, Chair; Randall, Vice Chair; Liias and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senators Holy, Ranking Member; Brown.

Staff: Kellee Gunn (786-7429)

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.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That it be referred without recommendation.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Billig, Conway, Darneille, Hasegawa, Hunt, Keiser, Lias, Palumbo, Pedersen, Rivers, Schoesler, Van De Wege, Wagoner, Warnick and Wilson, L..

Minority Report: Do not pass.

Signed by Senator Honeyford, Assistant Ranking Member, Capital.

Minority Report: That it be referred without recommendation.

Signed by Senators Brown, Assistant Ranking Member, Operating; Bailey and Becker.

Staff: Daniel Masterson (786-7454)

Background: Institutions of higher education are required to develop policies to accommodate student absences for up to two days per academic year for reasons of faith or conscience, or for an organized activity conducted under the auspices of a religious denomination, church, or religious organization. Accommodations are made without adverse impacts to a student's grades. Institutions of higher education include the public baccalaureates and the community and technical colleges (CTCs).

Summary of First Substitute Bill: Student absences for reasons of faith or conscience, or for an organized activity conducted under the auspices of a religious denomination, church, or religious organization may be taken without limit at postsecondary institutions. Postsecondary institutions include the public baccalaureates and the CTCs, degree-granting institutions, private vocational schools, beauty and cosmetology schools, and any entity that offers academic credit for apprenticeships.

Students' sincerely held religious beliefs and practices must be accommodated with respect to all examinations and other requirements to successfully complete a program.

A postsecondary institution must make alternative accommodations when:

- a student's sincerely held religious belief or practice materially impacts their ability to perform on an examination or meet a requirement to successfully complete a program; and
- the student provides written notice within the first two weeks of the program's beginning, listing the specific dates that require accommodation.

Postsecondary educational institutions must provide a process for students to notify the Title IX coordinator, designee, or other designated staff member of any grievances and to seek possible solutions.

Instructors must accept the sincerity of the students' religious beliefs and keep requests for accommodation confidential unless it is necessary to include campus administrators. Each course syllabus must have a statement on the religious accommodation policy, including

procedures to request accommodations and the institution's contact person to seek further information.

A copy of the postsecondary educational institution's policy must be distributed to faculty, students, and administrators, and published on its web site. Postsecondary educational institutions must also include the policy in any future publication of its policy handbook or other document regularly provided to faculty, students, and staff.

A non-exhaustive list of major religious holy days or festivals for the two preceding academic years must be provided to instructors, faculty, school administrators, and other relevant staff to facilitate planning.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on First Substitute (Higher Education & Workforce Development): PRO: The Legislature six years ago identified a need for accommodations for individuals to observe holidays important to their faith community without interrupting schoolwork. A bill was passed which allowed an accommodation of at least two days an academic year. During Ramadan, students fast, and it affects their ability to take tests. The bill allows those students to perform 100 percent when they are testing, and ensures respect for these community members on campus.

Two years ago, a high achieving student in a class I was teaching did poorly on an exam. Later I found out that she had been fasting for Ramadan. To accommodate this, the next year I offered two exam times—one during the day, and another at night. Afterwards I surveyed the class and the students felt neutral about this accommodation. The following year UW Bothell made a campus-wide a policy change to allow for this accommodation.

Ramadan fell during finals last year and I was at the discretion of my professor accommodating me. My experience was a positive one, but not all students have the same guarantee of accommodation. Over the past years, there have been various requests by students to accommodate for Ramadan. Often, registration periods, classes, and exams fall during the same time as religious observance. This bill would create a uniform guideline for all institutions. Christians would benefit from this bill. Coptic Christians celebrate their Christmas in January, not December. These students always have to ask for accommodations, but there is no uniformity amongst the institutions.

Persons Testifying (Higher Education & Workforce Development): PRO: Senator Bob Hasegawa, Prime Sponsor; Masih Fouladi, Council on American-Islamic Relations Washington Chapter; Bryan White, University of Washington - Bothell; Bryan Dondoyano, citizen; Mennah El-Gammal, citizen; Miri Cypers, Anti-Defamation League Pacific Northwest; Dr. Rania Hussein, University of Washington Muslim Association of Puget

Sound; Rabbi Allison Flash, Temple Beth Am; Ava Sharifi, Director of Middle East Student Commission; Omer Siddiqui, Muslim Student Association at University of Washington; Paul Benz, Faith Action Network.

Persons Signed In To Testify But Not Testifying (Higher Education & Workforce Development): No one.

EFFECT OF HOUSE AMENDMENT(S):

- Provides that postsecondary institutions' faculty must reasonably accommodate students who provide written notice within the first two weeks of a course or program the specific dates they expect to be absent, or endure significant hardship, because of observance of religious holy days.
- Requires the institutions to provide notice to students by publishing the religious accommodations policy on their websites and either including the policy or a link to the policy in a course or program syllabi.
- Strikes certain provisions requiring institutions to post a list of religious holy days and distribute the policy to faculty, students, and administrators, accepting religious beliefs at face value, and pertaining to a process for notifying Title IX coordinators of grievances and to seek redress.