



AGUDATH ISRAEL OF AMERICA LEGAL SUPPORT SERVICES

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Students in institutions of higher education sometimes have difficulty having their absences from classes or exams for religious reasons accommodated by their school. Some states have statutes in place that require accommodation. Here is a list of states with statutes that provide for accommodation, along with the text of the relevant statute, that was prepared by a legal intern for Agudath Israel of America. The text of the statute should be brought to the attention of the appropriate teacher or school administrator.

CALIFORNIA

California Education Code § 94355

Title 3. Postsecondary Education

Division 10. Private Postsecondary and Higher Education Institutions

Chapter 3.2 Accommodation of Religious Creed

§ 94355. Educational testing in admissions process; alternative testing times to avoid violation of student's religious creed

(a) As a condition of doing business in this state, each postsecondary educational institution governed by Chapter 7 (commencing with Section 94700), and each organization that administers educational testing for use in the admissions process by any public or private postsecondary educational institution, shall, in administering any test or examination, permit any student who is eligible to undergo the test or examination to do so, without penalty, at a time when that activity would not violate the student's religious creed.

(b) This requirement shall not apply in the event that administering the test or examination at an alternate time would impose an undue hardship which could not reasonably have been avoided. In any court proceeding in which the existence of an undue hardship that could not reasonably have been avoided is an issue, the burden of proof shall be upon the institution.

FLORIDA

Fla. Stat. Ann. § 1002.21 (3) Religious beliefs:

Public postsecondary educational institutions must provide reasonable accommodations for the religious practices and beliefs of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments, in accordance with the provisions of s. **1006.53**, and must provide and describe in the student handbook a grievance procedure for students to



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seek redress when they feel they have been unreasonably denied an educational benefit due to their religious beliefs or practices.

Fla. Stat. Ann. § 1006.53

Each public postsecondary educational institution shall adopt a policy which reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments. Each policy shall include a grievance procedure by which a student who believes that he or she has been unreasonably denied an educational benefit due to his or her religious belief or practices may seek redress. Such policy shall be made known to faculty and students annually in inclusion in the institution's handbook, manual, or other similar document regularly provided to faculty and students.

ILLINOIS

110 ILCS 110 University Religious Observances Act.

110 ILCS 110/0.01 (from Ch. 144, par. 2100) Sec. 0.01. Short title.

This Act may be cited as the University Religious Observances Act. (Source: P.A. 86-1324)

110 ILCS 110/1 (from Ch. 144, par. 2101)

Sec. 1. A public institution of higher education shall adopt a policy which reasonably accommodates the religious observance of individual students in regard to admissions, class attendance, and the scheduling of examinations and work requirements. This policy shall include a grievance procedure by which a student who believes that he or she has been unreasonably denied an educational benefit due to his or her religious belief or practices may seek redress. Such policy shall be made known to faculty and students annually by inclusion in the institution's handbook, manual or other similar document regularly provided to faculty and students. For the purposes of this Section (a) "public institution of higher education" means the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the public community colleges of the State and any other public universities, colleges and community colleges now or hereafter established or authorized by the General Assembly; and (b) "religious observance" or "religious practice" includes all aspects of religious observance and practice, as well as belief. (Source: P.A. 89-4, eff. 1-1-96.



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MARYLAND

University System of Maryland

85.0 III-5.10-POLICY CONCERNING THE SCHEDULING OF ACADEMIC ASSIGNMENTS ON DATES OF RELIGIOUS OBSERVANCE

(Approved by the Board of Regents, January 11, 1990)

It is the policy of the Board of Regents that the academic programs and services of each institution shall be available to all qualified students who have been admitted to its programs,

regardless of their religious beliefs. Students shall not be penalized because of observances of their religious holidays and shall be given an opportunity, whenever feasible, to make up within a reasonable time any academic assignment that is missed due to individual participation in religious observances. Each institution shall develop written policies and procedures for the implementation of this policy. The institution's policy in this matter shall be published regularly in the appropriate faculty and student media and other reasonable steps shall be taken to disseminate adequately this information to all members of the institution's community.

MASSACHUSETTS

Massachusetts General Laws Chapter 151C, Section 2B, states:

Any student in an educational or vocational training institution, other than a religious or denominational educational or vocational training institution, who is unable, because of his religious beliefs, to attend classes or to participate in any examination, study, or work requirement on a particular day shall be excused from any such examination or study or work requirement, and shall be provided with an opportunity to make up such examination, study, or work requirement which he may have missed because of such absence on any particular day; provided, however, that such makeup examination or work shall not create an unreasonable burden upon such school. No fees of any kind shall be charged by the institution for making available to the said student such opportunity. No adverse or prejudicial effects shall result to any student because of his availing himself of the provisions of this section.

NEW JERSEY

New Jersey Law Mandating Accommodation of Religious Observances in Higher Education and in Standardized Testing



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An institution of higher education shall provide any student who, for reason of a religious observance, cannot attend a test or examination at its regular administration with an alternative opportunity to take an equivalent test or examination. The alternative opportunity shall be offered as soon after or before the regular administration of the test as is possible, and at comparable times, places, and costs. The institution may request that the student provide a written explanation of the religious conflict signed by a clergyman of the student's place of worship. N.J.S.A. 18A:3B-37

a. As used in this section:

“Standardized test” means any test that is given in the State at the expense of the test subject and designed for use and used in the process of selection for postsecondary or professional school admissions. The tests shall include, but are not limited to, the Preliminary Scholastic Aptitude Test, Scholastic Aptitude Test, ACT Assessment, Graduate Record Examination, Medical College Admission Test, Law School Admission Test, Dental Admission Test, Graduate Management Admission Test, Miller Analogies Test, and the Test of Standard Written English.

b. When regular administrations of standardized tests are given on days of religious observance which prevent attendance by test subjects at the regular administrations, alternative administrations shall be offered with the same frequency as regular administrations as soon after or before as is possible, at comparable times, places, and costs. The test agency may request that the test subject provide a written explanation of the religious conflict signed by a clergyman of the test subject's place of worship. N.J.S.A. 18A:3B-38

NEW YORK

New York Education Law § 224-a. Students unable because of religious beliefs to register or attend classes on certain days

1. No person shall be expelled from or be refused admission as a student to an institution of higher education for the reason that he or she is unable, because of his or her religious beliefs, to register or attend classes or to participate in any examination, study or work requirements on a particular day or days.
2. Any student in an institution of higher education who is unable, because of his or her religious beliefs, to attend classes on a particular day or days shall, because of such absence on the particular day or days, be excused from any examination or any study or work requirements.
3. It shall be the responsibility of the faculty and of the administrative officials of each institution of higher education to make available to each student who is absent from school, because of his or her religious beliefs, an equivalent opportunity to register for classes or make up any examination, study or work requirements which he or she may have missed because of such absence on any particular day or days. No fees of any kind shall be charged by the institution for making available to the said student such equivalent opportunity.
4. If registration, classes, examinations, study or work requirements are held on Friday after four o'clock post meridian or on Saturday, similar or makeup classes, examinations, study or work requirements or opportunity to register shall be made



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available on other days, where it is possible and practicable to do so. No special fees shall be charged to the student for these classes, examinations, study or work requirements or registration held on other days.

5. In effectuating the provisions of this section, it shall be the duty of the faculty and of the administrative officials of each institution of higher education to exercise the fullest measure of good faith. No adverse or prejudicial effects shall result to any student because of his or her availing himself or herself of the provisions of this section.

6. Any student, who is aggrieved by the alleged failure of any faculty or administrative officials to comply in good faith with the provisions of this section, shall be entitled to maintain an action or proceeding in the supreme court of the county in which such institution of higher education is located for the enforcement of his or her rights under this section.

6-a. It shall be the responsibility of the administrative officials of each institution of higher education to give written notice to students of their rights under this section, informing them that each student who is absent from school, because of his or her religious beliefs, must be given an equivalent opportunity to register for classes or make up any examination, study or work requirements which he or she may have missed because of such absence on any particular day or days. No fees of any kind shall be charged by the institution for making available to such student such equivalent opportunity.

7. As used in this section, the term "institution of higher education" shall mean any institution of higher education, recognized and approved by the regents of the university of the state of New York, which provides a course of study leading to the granting of a post-secondary degree or diploma. Such term shall not include any institution which is operated, supervised or controlled by a church or by a religious or denominational organization whose educational programs are principally designed for the purpose of training ministers or other religious functionaries or for the purpose of propagating religious doctrines. As used in this section, the term "religious belief" shall mean beliefs associated with any corporation organized and operated exclusively for religious purposes, which is not disqualified for tax exemption under section 501 of the United States Code.

NORTH CAROLINA

GENERAL ASSEMBLY OF NORTH CAROLINA



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SESSION 2009

SESSION LAW 2010-112

HOUSE BILL 357

H357-v-5

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION, THE STATE BOARD OF COMMUNITY COLLEGES, AND THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ADOPT RULES OR POLICIES PERTAINING TO RELIGIOUS HOLIDAYS AND THE ACADEMIC WORK MISSED BECAUSE OF THE OBSERVANCE OF THOSE HOLIDAYS AND TO DIRECT PUBLIC SCHOOLS TO INSTRUCT STUDENTS ON THE SIGNIFICANCE OF MEMORIAL DAY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-379 reads as rewritten: "**§ 115C-379. Method of enforcement.**

It shall be the duty of the State Board of Education to formulate the rules that may be necessary for the proper enforcement of the provisions of this Part. The Board shall prescribe (i) what shall constitute unlawful absence, (ii) what causes may constitute legitimate excuses for temporary nonattendance due to a student's physical or mental inability to attend or a student's participation in a valid educational opportunity such as service as a legislative page or a Governor's page, and (iii) under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State. The rules shall require school principals to authorize a minimum of two excused absences each academic year for religious observances required by the faith of a student or the student's parents. The rules may require that the student's parents give the principal written notice of the request for an excused absence a reasonable time prior to the religious observance. The student shall be given the opportunity to make up any tests or other work missed due to an excused absence for a religious observance.

It shall be the duty of all school officials to carry out such instructions from the State Board

of Education, and any school official failing to carry out such instructions shall be guilty of a

Class 3 misdemeanor: Provided, that the compulsory attendance law herein prescribed shall not

be in force in any local school administrative unit that has a higher compulsory attendance

feature than that provided herein."

SECTION 2. G.S. 115D-5 is amended by adding a new subsection to read:



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"(u) The State Board of Community Colleges shall direct each community college to adopt a policy that authorizes a minimum of two excused absences each academic year for religious observances required by the faith of a student. The policy may require that the student provide written notice of the request for an excused absence a reasonable time prior to the religious observance. The policy shall also provide that the student shall be given the opportunity to make up any tests or other work missed due to an excused absence for a religious observance."

SECTION 3. G.S. 116-11 is amended by adding a new subdivision to read:

"(3a) The Board of Governors shall direct each constituent institution to adopt a policy that authorizes a minimum of two excused absences each academic year for religious observances required by the faith of a student. The policy may require that the student provide written notice of the request for an excused absence a reasonable time prior to the religious observance. The policy shall also provide that the student shall be given the opportunity to make up any tests or other work missed due to an excused absence for a religious observance."

SECTION 4.(a) G.S. 115C-12(33) reads as rewritten:

"(33) Duty to Develop Recommended Programs for Use in Schools on Memorial Day.
– The State Board of Education shall develop recommended instructional programs that enable students to gain a better understanding of the meaning and importance of Memorial Day. All schools, especially schools that hold school on Memorial Day, shall recognize instruct students on the significance of Memorial Day."

SECTION 4.(b) The State Board of Education shall report to the Joint Legislative Education Oversight Committee by January 15, 2011, on the instructional programs developed in accordance with G.S. 115C-12(33), as rewritten by subsection (a) of this section.

SECTION 5. This act is effective when it becomes law and applies beginning with the 2010-2011 academic year.

In the General Assembly read three times and ratified this the 9th day of July, 2010.

s/ Walter H. Dalton

President of the Senate

s/ Joe Hackney

Speaker of the House of Representatives

s/ Beverly E. Perdue

Governor

Approved 3:19 p.m. this 20th day of July, 2010



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OREGON

659.850 Discrimination in education prohibited; rules. (1) As used in this section, “discrimination” means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on race, color, religion, sex, sexual orientation, national origin, marital status, age or disability. “Discrimination” does not include enforcement of an otherwise valid dress code or policy, as long as the code or policy provides, on a case-by-case basis, for reasonable accommodation of an individual based on the health and safety needs of the individual.

(2) A person may not be subjected to discrimination in any public elementary, secondary or community college education program or service, school or interschool activity or in any higher education program or service, school or interschool activity where the program, service, school or activity is financed in whole or in part by moneys appropriated by the Legislative Assembly.

(3) The State Board of Education and the State Board of Higher Education shall establish rules necessary to ensure compliance with subsection (2) of this section in the manner required by ORS chapter 183. [Formerly 659.150; 2007 c.100 §29]

TEXAS

V.T.C.A., Education Code § 51.911: Religious Holy Days

(a) In this section:

(1) “Institution of higher education” has the meaning assigned by [Subdivision \(7\) of Section 61.003](#) of this code, but includes the Southwest Collegiate Institute for the Deaf and Texas State Technical Institute.¹

(2) “Religious holy day” means a holy day observed by a religion whose places of worship are exempt from property taxation under [Section 11.20, Tax Code](#).

(b) An institution of higher education shall excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. A student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to take an examination or complete an assignment from which the student is excused within a reasonable time after the absence.

(c) Repealed by [Acts 2003, 78th Leg., ch. 218, § 2](#).

(d) [A student who is excused under this section may not be penalized for the absence, but the instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination.](#)



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(e) The Coordinating Board, Texas College and University System, shall adopt rules for the implementation of this section and shall disseminate the rules to the appropriate institutions under its jurisdiction.

V.T.C.A., Education Code § 51.925 Religious Holy Days

(a) An institution of higher education may not discriminate against or penalize in any way a member of the faculty of the institution who is absent from work for the observance of a religious holy day and gives proper notice of that absence if the customary and generally applicable educational practices of the institution permit general personal absence by members of the faculty. If personal absence is customarily penalized, the penalty for absence due to observance of a religious holy day under this section shall be forfeiture of one day's pay equivalent for each day of absence.

(b) In this section, "institution of higher education" has the meaning assigned by Subdivision (7) of Section 61.003 of this code, except that the term includes the Southwest Collegiate Institute for the Deaf and Texas State Technical Institute.¹

(c) In this section, "proper notice" means that the faculty member shall provide a listing of religious holy days to be observed during the semester to the chairman of the department and shall provide notice of such days in advance to all students whose class would be canceled due to the faculty member's absence. Notice herein shall be in writing and shall be personally delivered to the chairman of the department, receipt therefor being acknowledged and dated by the chairman, or by certified mail, return receipt requested, addressed to the chairman.

(d) In this section, "religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20, Tax Code.

WISCONSIN

Religious Accommodation Policy

PSF 23-08/09: RELIGIOUS OBSERVANCE ACCOMMODATION

1. State Law 36.43 provides that public educational institutions provide for the reasonable accommodation of a student's sincerely held religious beliefs with regard to all examinations and other academic requirements and also provide a means by which a student can conveniently and confidentially notify an instructor of potential conflicts.
2. A student with a conflict between an academic requirement and a religious observance must be given an alternative means of meeting the academic requirement, subject to the following:
 - a. To be granted an alternative means of meeting an academic requirement, students must notify their instructors, within the first two weeks of class, of specific days or



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dates on which they will request relief from an academic requirement. (The instructor must treat this information as confidential.)

b. Instructors are not obligated to schedule make-ups before regularly scheduled requirements.

c. Instructors may set reasonable limits on the number of days claimed by any one student.

3. Absence from classes or examinations due to religious observance does not relieve students from responsibility for any part of the course work required during the period of absence.

4. Students who believe they have been denied reasonable accommodation should contact the person identified by the department or academic program to hear such complaints, usually the department chair or academic program director. If the issue is not resolved at the department/program level, students may proceed to the office of the appropriate academic dean and, if it is still unresolved, to the office of the provost.