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# OHIO LEGISLATIVE SERVICE COMMISSION

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135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Reynolds

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### SUMMARY

- Requires each public school to adopt a policy that reasonably accommodates the sincerely held religious beliefs and practices of students, which includes three excused absences for religious expression days.
- Requires each public school to adopt a policy permitting teachers and staff to take up to three days of religious expression leave per school year.
- Entitles the bill the “Religious Expression Days” or “R.E.D.” Act.

### DETAILED ANALYSIS

#### **Policy to accommodate students’ sincerely held religious beliefs**

The bill requires each school district, community school, STEM school, and college-preparatory boarding school to adopt a policy that reasonably accommodates the sincerely held religious beliefs and practices of students regarding exams, other academic requirements, and absences for reasons of faith or religious or spiritual belief system.<sup>1</sup>

#### **Absences and alternative accommodations**

A school’s policy must permit a student to be absent for up to three religious expression days each school year to take holidays for reasons of faith or religious or spiritual belief system or to participate in organized activities conducted under the auspices of a religious denomination, church, or other religious or spiritual organization. The school is prohibited from imposing an academic penalty as a result of a student’s absence under the policy.<sup>2</sup> Schools are

<sup>1</sup> R.C. 3320.04(A), 3314.03, 3326.11, and 3328.24.

<sup>2</sup> R.C. 3320.04(A).

also prohibited from considering absences under the policy in determining absence hours for the purpose of required parental notification due to unexcused student absences.<sup>3</sup>

The policy also must require the provision of alternative accommodations for students who miss exams or other academic requirements as a result of such absences, if:

1. The student's sincerely held religious belief or practice severely affects the student's ability to take an exam or meet an academic requirement; and
2. Within the first 14 days of school, the student provides the classroom teacher with written notice of the requested dates for alternative accommodations.<sup>4</sup>

### **Classroom teacher responsibilities**

Under the bill, a classroom teacher must accept without question the sincerity of a student's religious or spiritual belief system and keep alternative accommodation requests confidential. A teacher also must schedule, without prejudicial effect, another time and date for the missed alternative exam or other academic requirement.<sup>5</sup>

In addition, the bill requires each course syllabus to include the school's policy on requesting accommodations and the contact information of a person who can provide further information.<sup>6</sup>

### **Posting the policy**

A school must post in a prominent location on its website:

1. The policy, including the contact information of a person who can provide further information; and
2. A nonexhaustive list of major religious holidays or festivals for the next two academic years, including Eid, Rosh Hashanah, and Yom Kippur, and created either by the Superintendent of Public Instruction or the school itself. The state Superintendent must provide such a list to each district at the beginning of each school year.

Each school must note alongside its posted, printed, or published policy that the list is not exhaustive and the exclusion of certain holidays or festivals may not be the basis for denying accommodation to a student. A school's policy or list may not be used to deny full and reasonable accommodations to a student for any sincerely held religious belief or practice for exams or other academic requirements and absences for reasons of faith or religious or spiritual belief system.<sup>7</sup>

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<sup>3</sup> R.C. 3320.04(F). See also R.C. 3321.191, not in the bill.

<sup>4</sup> R.C. 3320.04(B)(1).

<sup>5</sup> R.C. 3320.04(B)(2).

<sup>6</sup> R.C. 3320.04(D).

<sup>7</sup> R.C. 3320.04(C).

## **Grievance procedure**

The bill requires a school's policy to include a procedure for students to notify the school of any grievance regarding the policy's implementation.<sup>8</sup>

## **Religious expression day policy for teachers and staff**

The bill requires each school district, community school, STEM school, and college-preparatory boarding school to adopt a religious expression day policy under which employees are entitled to up to three days of religious expression leave per school year paid at the employee's regular compensation. The policy applies to all employees of the school's board of education, except for substitute teachers.<sup>9</sup>

Under the policy, religious expression days may be used by employees to take holidays for reasons of faith or religious or spiritual belief system, or to participate in organized activities conducted under the auspices of a religious denomination, church, or other religious or spiritual organization.<sup>10</sup>

Schools must include rules for the entitlement, crediting, and use of religious expression days in their policy and file a copy with the State Board of Education.<sup>11</sup> Schools must also require employees wishing to use a religious expression day to turn in a signed form designated by the school to justify the use of the religious expression day.<sup>12</sup> Religious expression days granted pursuant to a school's policy cannot be charged against sick leave or other leave granted pursuant to a teacher's contract.<sup>13</sup> Schools are required to administer their religious expression day policies uniformly.<sup>14</sup>

Religious expression day policies adopted by schools become operative at the expiration of any collective bargaining agreement covering teachers employed by the board that is in effect on the bill's effective date and must be included in any renewals or extensions of the collective bargaining agreement.<sup>15</sup>

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<sup>8</sup> R.C. 3320.04(E).

<sup>9</sup> R.C. 3319.144(A), 3314.03, 3326.11, and 3328.24.

<sup>10</sup> R.C. 3319.144(A).

<sup>11</sup> R.C. 3319.144(B).

<sup>12</sup> R.C. 3319.144(C).

<sup>13</sup> R.C. 3319.144(D); see also R.C. 3311.77 and 3319.08, not in the bill.

<sup>14</sup> R.C. 3319.144(E).

<sup>15</sup> R.C. 3319.144(F).

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## HISTORY

Action	Date
Introduced	02-07-23

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