

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1356 Session of  
1997

INTRODUCED BY L. I. COHEN, YOUNGBLOOD, THOMAS, BELARDI, MASLAND,  
BAKER, TRELLO, JOSEPHS, HENNESSEY, DENT, MILLER, ROEBUCK,  
SATHER, ITKIN, STEELMAN, WASHINGTON, E. Z. TAYLOR, PISTELLA,  
BENNINGHOFF, MYERS, C. WILLIAMS AND JAMES, APRIL 17, 1997

REFERRED TO COMMITTEE ON EDUCATION, APRIL 17, 1997

AN ACT

1 Amending the act of July 17, 1961 (P.L.776, No.341), entitled,  
2 as amended, "An act declaring the policy of the Commonwealth  
3 with regard to discriminatory practices in educational  
4 institutions based upon race, religion, color, ancestry,  
5 national origin or sex; prohibiting such discriminatory  
6 practices; providing for procedure and enforcement; providing  
7 for judicial review; providing for administration by the  
8 Pennsylvania Human Relations Commission in the Department of  
9 Labor and Industry; and defining its functions, powers and  
10 duties hereunder," providing for unfair educational practices  
11 involving religious holidays.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. The act of July 17, 1961 (P.L.776, No.341), known  
15 as the Pennsylvania Fair Educational Opportunities Act, is  
16 amended by adding a section to read:

17 Section 4.1. Unfair Educational Practices Involving  
18 Observance of Religious Holidays.--(a) It shall be an unfair  
19 educational practice for an educational institution:

20 (1) To expel, suspend, punish, deny facilities to or  
21 otherwise discriminate against any student who is unable,

because of the student's observance of a religious holiday, to attend classes or to participate in any examination, study or work requirements on a particular day or days.

(2) To deny any student who is absent because of the student's observance of a religious holiday any award or the opportunity to compete for any award.

(3) To deprive any student who is unable, because of the student's observance of a religious holiday, to attend classes on a particular day or days the opportunity to take an alternative examination or to make up any study or work requirements which is missed because of such absence.

(b) It shall be the duty of the faculty and of the administrative officials of each educational institution to make available to each student who is absent from the educational institution because of the student's observance of a religious holiday an equivalent opportunity to compete for any award and to make up any examination, study or work requirements or class which is missed because of such absence on any particular day or days. No fees of any kind shall be charged by the educational institution for making available to the student such equivalent opportunity.

(c) Any absence from an educational institution because of a student's observance of a religious holiday shall be recorded as an excused absence on the student's attendance record or on the record of any group or class of which the student is a member. Any transcript, application, employment form or any similar form on which information concerning a student's attendance record is requested shall show, with respect to absences, only absences other than absences excused because of the student's observance of religious holidays.

1     (d) In effectuating the provisions of this section, it shall  
2 be the duty of the faculty and of the administrative officials  
3 of each educational institution to exercise the fullest measure  
4 of good faith. No adverse or prejudicial effects shall result to  
5 any student because of the application of this section.

6     (e) A copy of this section shall be published by each  
7 educational institution in the catalog or similar publication or  
8 document which contains the educational institution's rules and  
9 regulations or lists the educational institution's available  
10 courses.

11     (f) For purposes of this section, the term "educational  
12 institution" shall include a religious or denominational  
13 educational institution as those terms are defined under this  
14 act.

15     Section 2. This act shall take effect in 60 days.