

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

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| Action: | Do Pass as Amended, Be Printed Engrossed, and Rescind the Subsequent Referral to the Committee on Ways & Means |
| Vote: | 6 - 4 - 0 |
| Yeas: | Dembrow, Huffman, Komp, Roblan, VanOrman, Gelser |
| Nays: | Harker, Maurer, Sprenger, Thatcher |
| Exc.: | 0 |
| Prepared By: | Dana Richardson, Administrator |
| Meeting Dates: | 2/5 |

WHAT THE MEASURE DOES: Adds obligation of school district, education service district, or public charter school to maintain religiously neutral work environment to factors for determining whether reasonable accommodations under Oregon Workplace Religious Freedom Act require significant difficulty or expense. Repeals statutes prohibiting teacher in any public school from wearing religious dress while engaged in the performance of duties as a teacher and sanctioning teacher for doing so. Prescribes effective date of July 1, 2011.

ISSUES DISCUSSED:

- Responsibility for determining whether religious garb is permitted
- Process for lodging complaints
- Potential litigation against Oregon by the United States Department of Justice
- Responsibility for determining whether garb is religious
- Current statutory protection from liability for school districts
- Impact upon students of different ages
- Amount of time spent deliberating repeal

EFFECT OF COMMITTEE AMENDMENT: Prescribes effective date of July 1, 2011.

BACKGROUND: House Bill 3686A repeals ORS 342.650 and ORS 342.655. ORS 342.650, prohibiting teachers in public schools from wearing religious dress while engaged in the performance of their teaching duties, was enacted in 1923. At that time, it read, "No teacher in any public school shall wear in said school, and while engaged in the performance of his duty, any dress or garb of any religious order, sect or denomination." It was amended in 1965 to reflect the first sentence's current wording.

The Oregon Workplace Religious Freedom Act, as enacted under Senate Bill 786 (2009), requires employers to reasonably accommodate religious practices of employees. It added the following to ORS 342.650, "A school district, education service district or public charter school does not commit an unlawful employment practice under ORS chapter 659A by reason of prohibiting a teacher from wearing religious dress while engaged in the performance of duties as a teacher."

2/8/2010 12:15:00 PM

This summary has not been adopted or officially endorsed by action of the committee.