

AMENDED IN SENATE AUGUST 15, 2011
AMENDED IN ASSEMBLY MARCH 29, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 668

Introduced by Assembly Member Block

February 17, 2011

An act to amend Section 89320 of the Education Code, relating to the California State University.

LEGISLATIVE COUNSEL'S DIGEST

AB 668, as amended, Block. California State University: examinations: undue hardship.

Existing law establishes the California State University, which is administered by the Trustees of the California State University. Existing law requires the state universities, in administering any test or examination, to 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, except when it would impose an undue hardship.

This bill would ~~provide that creating a substantial financial burden or substantial disruption to the educational mission of the institution, as specified, constitutes an undue hardship for purposes of this provision~~ *define the term "undue hardship" for that purpose.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 89320 of the Education Code is amended
2 to read:

3 89320. (a) The Trustees of the California State University
4 shall require each state university, in administering any test or
5 examination, to permit any student who is eligible to undergo the
6 test or examination to do so, without penalty, at a time when that
7 activity would not violate the student’s religious creed. This
8 requirement shall not apply if administering the test or examination
9 at an alternate time would impose an undue hardship that could
10 not reasonably have been avoided. In any court proceeding in
11 which the existence of an undue hardship that could not reasonably
12 have been avoided is an issue, the burden of proof shall be upon
13 the institution.

14 ~~(b) For the purposes of this section, either of the following~~
15 ~~constitutes an undue hardship:~~

16 ~~(1) Expense in administering the test or examination at a~~
17 ~~different time that creates a substantial financial burden for the~~
18 ~~institution.~~

19 ~~(2) Substantial disruption to the educational mission of the~~
20 ~~institution caused by administering the test at a different location.~~

21 (b) *As used in this section, “undue hardship” means an action*
22 *requiring significant difficulty or expense, when considered in*
23 *light of the following factors:*

24 (1) *The nature and cost of the accommodation needed.*

25 (2) *The overall financial resources of the facilities involved in*
26 *the provision of the reasonable accommodations, the number of*
27 *persons employed at the facility, and the effect on expenses and*
28 *resources or the impact otherwise of these accommodations upon*
29 *the operation of the facility.*

30 (3) *The overall financial resources of the covered entity, the*
31 *overall size of the business of a covered entity with respect to the*
32 *number of employees, and the number, type, and location of its*
33 *facilities.*

34 (4) *The type of operations, including the composition, structure,*
35 *and functions of the workforce of the entity.*

- 1 (5) *The geographic separateness, administrative, or fiscal*
- 2 *relationship of the facility or facilities.*

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