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H.B. 204 S1: Higher Education Student Belief Accommodation

This bill broadens protections within institutions of higher education for students' sincerely held religious beliefs and reasons of conscience. H.B. 204 builds on existing law requiring institutions to reasonably accommodate a student who misses an exam or academic requirement for reasons of religion or conscience.

Summary

This bill addresses student accommodations for reasons of religion or conscience in two areas:

Absence from Exams or Academic Requirements

The bill clarifies that the existing requirement for Institutions to accommodate students' absences from exams or academic requirements due to religion or conscience **applies to any course.**

Objections to Assignments or Activities

Allows a student to object to assignments or activities for reasons of a sincerely held religious or conscience belief.

- Required in courses required for graduation or for an academic major.
- Institutions must reasonably accommodate the student's objection if it does not create a fundamental alteration.

Students: Provide the course instructor with prior notice about the accommodation request.

Instructors: (1) Respond to a request as soon as possible, and (2) if the instructor denies the request, provide information about the denial to the institution as soon as possible.

Institutions of higher education: Existing law requires institutions to have policies about accommodations for matters of religion or conscience and designate a point of contact for information about accommodations for reasons of religion or conscience.

- Requests: Institutions' accommodation policies must now include a reasonable timeframe for (1) a student to submit a request for an accommodation and (2) an instructor to respond to the request. Policies must outline a process if instructors deny an accommodation request.
- Neutral arbiters: Institutions must designate neutral arbiters with the academic and subject matter expertise necessary to determine if the requested alteration is a fundamental alteration.
- Report: Annually report to the Board of Higher Education on neutral arbiter decisions.

Board of Higher Education: (1) Establish board policies to ensure the protection for students' sincerely held religious and conscience beliefs. (2) Provide guidelines for institutions' accommodation policies and parameters for required accommodations to ensure protection of students' beliefs.

Existing Law

H.B. 204 builds on existing law (53H-7-903) requiring institutions of higher education to accommodate a student missing an exam or academic requirement for reasons of conscience or sincerely held religious beliefs for any course. For example, allow students to take an exam on another date if it is scheduled for a religious holiday.

- Students must provide written notice to the course instructor requesting the accommodation.
- Institutions must have policies about the required accommodation and post the policies on their website, including information for a contact person.

Definitions

Conscience: A sincerely held belief as to the rightness or wrongness of an action or inaction.

Fundamental alteration: A significant change in an exam, assignment, or activity that alters the essential nature, objectives, or standards of a class, program or degree. A fundamental alteration also negatively impacts a student's ability to master the essential learning outcomes of the course, program or degree and impacts their ability to acquire the skills necessary to pass the course, program, or degree.

Reasonably accommodate: Take reasonable steps to modify expectations for a student's participation in an exam or academic requirement. This includes:

- Excusing participation.
- Offering an alternative deadline or schedule.
- Offering an alternative exam, assignment, or activity.