

BILL ANALYSIS

C.S.H.B. 3678
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State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, students' voluntary religious expression is being treated as second-class speech, and sometimes worse, in public schools. School children are being censored and reprimanded at school, leaving them in fear of punishment for their religious beliefs. Due to hostility toward religious expression, children are being forced to defend their First Amendment rights in courtrooms all across Texas, and throughout the nation.

School districts' practices and policies continue to violate the free speech rights of students, regardless of court decisions to the contrary. C.S.H.B. 3678 codifies these court decisions and the constitutional ways a student, or groups of students, may express their faith at school and at school sponsored events. The bill protects the constitutional freedoms that students already have and provides clarity for teachers and administrators who have been confused about what they may permit students to express. With this clarity, students' constitutional rights are protected, and school districts avoid violating such rights.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3678 amends the Education Code to require a school district to treat a student's voluntary expression of a religious viewpoint on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject. The bill prohibits a school district from discriminating against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

The bill requires a school district to adopt and implement a local policy regarding limited public forums for students at various school sponsored and non-school sponsored events. The bill describes the limited forum criteria school districts are required to develop and implement. The bill provides that if a school district voluntarily adopts and follows the model policy governing voluntary religious expression in public schools, the district is in compliance with the provisions of the subchapter covered by the model policy.

The bill authorizes students to express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. The bill authorizes students to organize prayer groups, religious clubs, "see you at the pole" gatherings, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups.

C.S.H.B. 3678 provides a model policy governing voluntary religious expression in public schools.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

C.S.H.B. 3678 80(R)

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3678 conforms the original to Texas Legislative Council style and format. The substitute modifies the original by deleting "initiated" from the relating clause and amending Subchapter E instead of Subchapter Z of Chapter 25, Education Code. The substitute differs from the original by authorizing two names to be used to cite the Act and adding language regarding voluntary expression on an otherwise permissible subject. The substitute deletes the severability provision from the original. The substitute also makes conforming and section title and number changes throughout the original.