

By: Howard of Fort Bend, Chisum, et al.

H.B. No. 3678

A BILL TO BE ENTITLED

AN ACT

relating to voluntary student expression of religious viewpoints in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the "Religious Viewpoints Antidiscrimination Act" or the "Schoolchildren's Religious Liberties Act."

SECTION 2. Chapter 25, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

Sec. 25.151. STUDENT EXPRESSION. A school district shall treat a student's voluntary expression of a religious viewpoint, if any, 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 and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

Sec. 25.152. LIMITED PUBLIC FORUM; SCHOOL DISTRICT POLICY.

(a) To ensure that the district does not discriminate against a student's publicly stated voluntary expression of a religious viewpoint, if any, and to eliminate any actual or perceived affirmative school sponsorship or attribution to the district of a student's expression of a religious viewpoint, if any, a school district shall adopt a policy, which must include the establishment

1 of a limited public forum for student speakers at all school events
2 at which a student is to publicly speak. The policy must also
3 require the school district to:

4 (1) provide the forum in a manner that does not
5 discriminate against a student's voluntary expression of a
6 religious viewpoint, if any, on an otherwise permissible subject;

7 (2) provide a method, based on neutral criteria, for
8 the selection of student speakers at school events and graduation
9 ceremonies;

10 (3) ensure that a student speaker does not:

11 (A) engage in obscene, vulgar, offensively lewd,
12 or indecent speech; or

13 (B) promote discrimination on the basis of
14 another individual's sex, race, age, sexual preference, or
15 religious beliefs; and

16 (4) state, in writing, orally, or both, that the
17 student's speech does not reflect the endorsement, sponsorship,
18 position, or expression of the district.

19 (b) The school district disclaimer required by Subsection
20 (a)(4) must be provided at all graduation ceremonies. The school
21 district must also continue to provide the disclaimer at any other
22 event in which a student speaks publicly for as long as a need
23 exists to dispel confusion over the district's nonsponsorship of
24 the student's speech.

25 (c) Student expression on an otherwise permissible subject
26 may not be excluded from the limited public forum because the
27 subject is expressed from a religious viewpoint.

1 Sec. 25.153. RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS.

2 Students may express their beliefs about religion in homework,
3 artwork, and other written and oral assignments free from
4 discrimination based on the religious content of their submissions.
5 Homework and classroom assignments must be judged by ordinary
6 academic standards of substance and relevance and against other
7 legitimate pedagogical concerns identified by the school district.
8 Students may not be penalized or rewarded on account of the
9 religious content of their work.

10 Sec. 25.154. FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND
11 ACTIVITIES. Students may organize prayer groups, religious clubs,
12 "see you at the pole" gatherings, or other religious gatherings
13 before, during, and after school to the same extent that students
14 are permitted to organize other noncurricular student activities
15 and groups. Religious groups must be given the same access to
16 school facilities for assembling as is given to other noncurricular
17 groups without discrimination based on the religious content of the
18 students' expression. If student groups that meet for nonreligious
19 activities are permitted to advertise or announce meetings of the
20 groups, the school district may not discriminate against groups
21 that meet for prayer or other religious speech. A school district
22 may disclaim school sponsorship of noncurricular groups and events
23 in a manner that neither favors nor disfavors groups that meet to
24 engage in prayer or religious speech.

25 Sec. 25.155. ADOPTION OF POLICY. A school district shall
26 adopt and implement a local policy regarding a limited public forum
27 and voluntary student expression of religious viewpoints. If a

1 school district voluntarily adopts and follows the model policy
2 governing voluntary religious expression in public schools as
3 provided by Section 25.156, the district is in compliance with the
4 provisions of this subchapter covered by the model policy.

5 Sec. 25.156. MODEL POLICY GOVERNING VOLUNTARY RELIGIOUS
6 EXPRESSION IN PUBLIC SCHOOLS. In this section, "model policy"
7 means a local policy adopted by the school district in
8 substantially the following form:

9 ARTICLE I

10 STUDENT SPEAKERS AT NONGRADUATION EVENTS

11 The district hereby creates a limited public forum consisting
12 of an opportunity for a student to speak to introduce school events,
13 such as sports events, assemblies, opening announcements and
14 greetings for the school day, pep rallies, and other school events,
15 as determined by the district. For each speaker, the district shall
16 set a maximum time limit reasonable and appropriate to the
17 occasion.

18 The forum shall be limited in the manner provided by this
19 article.

20 Only those students in the highest two grade levels of the
21 school and who hold one of the following positions of honor based on
22 neutral criteria are eligible to use the limited public forum:
23 student council officers, class officers of the highest grade level
24 in the school, captains of the football team, and other students
25 holding positions of honor as the district may designate.

26 An eligible student shall be notified of the student's
27 eligibility, and a student who wishes to participate as an

1 introducing speaker shall submit the student's name to the student
2 council or other designated body during an announced period of not
3 less than three days. The announced period may be at the beginning
4 of the school year, at the end of the preceding school year so
5 student speakers are in place for the new year, or, if the selection
6 process will be repeated each semester, at the beginning of each
7 semester or at the end of the preceding semester so speakers are in
8 place for the next semester. The names of the volunteering student
9 speakers shall be randomly drawn until all names have been
10 selected, and the names shall be listed in the order drawn. Each
11 selected student will be matched chronologically to the event for
12 which the student will be giving the introduction. Each student may
13 speak for one week at a time for all introductions of events that
14 week, or rotate after each speaking event, or otherwise as
15 determined by the district. The list of student speakers shall be
16 chronologically repeated as needed, in the same order. The
17 district may repeat the selection process each semester rather than
18 once a year.

19 The subject of the student introductions must be related to
20 the purpose of the event and to the purpose of marking the opening
21 of the event, honoring the occasion, the participants, and those in
22 attendance, bringing the audience to order, and focusing the
23 audience on the purpose of the event. The subject must be
24 designated, a student must stay on the subject, and the student may
25 not engage in obscene, vulgar, offensively lewd, or indecent
26 speech. The student's speech may not promote discrimination on the
27 basis of another individual's sex, race, age, sexual preference, or

1 religious belief. The district shall treat students' voluntary
2 expression of religious viewpoints, if any, on an otherwise
3 permissible subject in the same manner the district treats
4 students' voluntary expression of secular or other viewpoints on an
5 otherwise permissible subject and may not discriminate against a
6 student based on a religious viewpoint expressed by the student on
7 an otherwise permissible subject.

8 For as long as there is a need to dispel confusion over the
9 nonsponsorship of the student's speech, at each event in which a
10 student will deliver an introduction, a disclaimer shall be stated
11 in written or oral form, or both, such as, "The student giving the
12 introduction for this event is a volunteering student selected on
13 neutral criteria to introduce the event. The content of the
14 introduction is the private expression of the student and does not
15 reflect the endorsement, sponsorship, position, or expression of
16 the school district."

17 Certain students who have attained special positions of honor
18 in the school have traditionally addressed school audiences from
19 time to time as a tangential component of their achieved positions
20 of honor, such as the captains of various sports teams, student
21 council officers, class officers, homecoming kings and queens, prom
22 kings and queens, and the like, and have attained their positions
23 based on neutral criteria. Nothing in this policy eliminates the
24 continuation of the practice of having these students, irrespective
25 of grade level, address school audiences in the normal course of
26 their respective positions. The district shall create a limited
27 public forum for the speakers and shall treat the students'

1 voluntary expression of religious viewpoints, if any, on an
2 otherwise permissible subject in the same manner the district
3 treats the students' voluntary expression of secular or other
4 viewpoints on an otherwise permissible subject and may not
5 discriminate against a student based on a religious viewpoint
6 expressed by the student on an otherwise permissible subject.

7 ARTICLE II

8 STUDENT SPEAKERS AT GRADUATION CEREMONIES

9 The district hereby creates a limited public forum consisting
10 of an opportunity for a student to speak to begin graduation
11 ceremonies and another student to speak to end graduation
12 ceremonies. For each speaker, the district shall set a maximum time
13 limit reasonable and appropriate to the occasion.

14 The forum shall be limited in the manner provided by this
15 article.

16 Only students who are graduating and who hold one of the
17 following neutral criteria positions of honor shall be eligible to
18 use the limited public forum: student council officers, class
19 officers of the graduating class, the top three academically ranked
20 graduates, or a shorter or longer list of student leaders as the
21 district may designate. A student who will otherwise have a
22 speaking role in the graduation ceremonies is ineligible to give
23 the opening and closing speeches. The names of the eligible
24 volunteering students will be randomly drawn. The first name drawn
25 will give the opening and the second name drawn will give the
26 closing.

27 The topic of the opening and closing speeches must be related

1 to the purpose of the graduation ceremony and to the purpose of
2 marking the opening and closing of the event, honoring the
3 occasion, the participants, and those in attendance, bringing the
4 audience to order, and focusing the audience on the purpose of the
5 event.

6 In addition to the students giving the opening and closing
7 speeches, certain other students, including the valedictorian, who
8 have attained special positions of honor based on neutral criteria
9 will have speaking roles at graduation ceremonies. For each
10 speaker, the district shall set a maximum time limit reasonable and
11 appropriate to the occasion and to the position held by the speaker.
12 For this purpose, the district creates a limited public forum for
13 these students to deliver the address. The subject of the address
14 must be related to the purpose of the graduation ceremony, marking
15 and honoring the occasion, honoring the participants and those in
16 attendance, and the student's perspective on purpose, achievement,
17 life, school, graduation, and looking forward to the future.

18 The subject must be designated for each student speaker, the
19 student must stay on the subject, and the student may not engage in
20 obscene, vulgar, offensively lewd, or indecent speech. The
21 student's speech may not promote discrimination on the basis of
22 another individual's sex, race, age, sexual preference, or
23 religious belief. The district shall treat the students' voluntary
24 expression of religious viewpoints, if any, on an otherwise
25 permissible subject in the same manner the district treats
26 students' voluntary expression of secular or other viewpoints on an
27 otherwise permissible subject and may not discriminate against a

1 student based on a religious viewpoint expressed by the student on
2 an otherwise permissible subject.

3 A written disclaimer shall be printed in the graduation
4 program that states, "The students who will be speaking at the
5 graduation ceremony were selected based on neutral criteria to
6 deliver messages of the students' own choices. The content of each
7 student speaker's message is the private expression of the
8 individual student and does not reflect any position or expression
9 of the school district or the board of trustees, or the district's
10 administration, or employees of the district, or the views of any
11 other graduate. The contents of these messages were prepared by the
12 student volunteers, and the district refrained from any interaction
13 with student speakers regarding the student speakers' viewpoints on
14 permissible subjects."

15 ARTICLE III

16 RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

17 Students may express the students' beliefs about religion in
18 homework, artwork, and other written and oral assignments free from
19 discrimination based on the religious content of the students'
20 submission. Homework and classroom work shall be judged by
21 ordinary academic standards of substance and relevance and against
22 other legitimate pedagogical concerns identified by the school.
23 Students may not be penalized or rewarded on account of religious
24 content. If a teacher's assignment involves writing a poem, the
25 work of a student who submits a poem in the form of a prayer (for
26 example, a psalm) should be judged on the basis of academic
27 standards, including literary quality, and not penalized or

1 rewarded on account of its religious content.

2 ARTICLE IV

3 FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

4 Students may organize prayer groups, religious clubs, "see
5 you at the pole" gatherings, and other religious gatherings before,
6 during, and after school to the same extent that students are
7 permitted to organize other noncurricular student activities and
8 groups. Religious groups must be given the same access to school
9 facilities for assembling as is given to other noncurricular
10 groups, without discrimination based on the religious content of
11 the group's expression. If student groups that meet for
12 nonreligious activities are permitted to advertise or announce the
13 groups' meetings, for example, by advertising in a student
14 newspaper, putting up posters, making announcements on a student
15 activities bulletin board or public address system, or handing out
16 leaflets, school authorities may not discriminate against groups
17 that meet for prayer or other religious speech. School authorities
18 may disclaim sponsorship of noncurricular groups and events,
19 provided they administer the disclaimer in a manner that does not
20 favor or disfavor groups that meet to engage in prayer or other
21 religious speech.

22 SECTION 3. This Act applies beginning with the 2007-2008
23 school year.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2007.