

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 school 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

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

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

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

11 (3) ensure that a student speaker does not engage in
12 obscene, vulgar, offensively lewd, or indecent speech; and

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

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

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

25 Sec. 25.153. RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS.
26 Students may express their beliefs about religion in homework,
27 artwork, and other written and oral assignments free from

1 discrimination based on the religious content of their submissions.
2 Homework and classroom assignments must be judged by ordinary
3 academic standards of substance and relevance and against other
4 legitimate pedagogical concerns identified by the school district.
5 Students may not be penalized or rewarded on account of the
6 religious content of their work.

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

22 Sec. 25.155. ADOPTION OF POLICY. A school district shall
23 adopt and implement a local policy regarding a limited public forum
24 and voluntary student expression of religious viewpoints. If a
25 school district voluntarily adopts and follows the model policy
26 governing voluntary religious expression in public schools as
27 provided by Section 25.156, the district is in compliance with the

1 provisions of this subchapter covered by the model policy.

2 Sec. 25.156. MODEL POLICY GOVERNING VOLUNTARY RELIGIOUS
3 EXPRESSION IN PUBLIC SCHOOLS. In this section, "model policy"
4 means a local policy adopted by the school district that is
5 substantially identical to the following:

6 ARTICLE I

7 STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

8 The school district shall treat a student's voluntary
9 expression of a religious viewpoint, if any, on an otherwise
10 permissible subject in the same manner the district treats a
11 student's voluntary expression of a secular or other viewpoint on
12 an otherwise permissible subject and may not discriminate against
13 the student based on a religious viewpoint expressed by the student
14 on an otherwise permissible subject.

15 ARTICLE II

16 STUDENT SPEAKERS AT NONGRADUATION EVENTS

17 The school district hereby creates a limited public forum for
18 student speakers at all school events at which a student is to
19 publicly speak. For each speaker, the district shall set a maximum
20 time limit reasonable and appropriate to the occasion. Student
21 speakers shall introduce:

- 22 (1) football games;
23 (2) any other athletic events designated by the
24 district;
25 (3) opening announcements and greetings for the school
26 day; and
27 (4) any additional events designated by the district,

1 which may include, without limitation, assemblies and pep rallies.

2 The forum shall be limited in the manner provided by this
3 article.

4 Only those students in the highest two grade levels of the
5 school and who hold one of the following positions of honor based on
6 neutral criteria are eligible to use the limited public forum:
7 student council officers, class officers of the highest grade level
8 in the school, captains of the football team, and other students
9 holding positions of honor as the school district may designate.

10 An eligible student shall be notified of the student's
11 eligibility, and a student who wishes to participate as an
12 introducing speaker shall submit the student's name to the student
13 council or other designated body during an announced period of not
14 less than three days. The announced period may be at the beginning
15 of the school year, at the end of the preceding school year so
16 student speakers are in place for the new year, or, if the selection
17 process will be repeated each semester, at the beginning of each
18 semester or at the end of the preceding semester so speakers are in
19 place for the next semester. The names of the volunteering student
20 speakers shall be randomly drawn until all names have been
21 selected, and the names shall be listed in the order drawn. Each
22 selected student will be matched chronologically to the event for
23 which the student will be giving the introduction. Each student may
24 speak for one week at a time for all introductions of events that
25 week, or rotate after each speaking event, or otherwise as
26 determined by the district. The list of student speakers shall be
27 chronologically repeated as needed, in the same order. The

1 district may repeat the selection process each semester rather than
2 once a year.

3 The subject of the student introductions must be related to
4 the purpose of the event and to the purpose of marking the opening
5 of the event, honoring the occasion, the participants, and those in
6 attendance, bringing the audience to order, and focusing the
7 audience on the purpose of the event. The subject must be
8 designated, a student must stay on the subject, and the student may
9 not engage in obscene, vulgar, offensively lewd, or indecent
10 speech. The school district shall treat a student's voluntary
11 expression of a religious viewpoint, if any, on an otherwise
12 permissible subject in the same manner the district treats a
13 student's voluntary expression of a secular or other viewpoint on
14 an otherwise permissible subject and may not discriminate against
15 the student based on a religious viewpoint expressed by the student
16 on an otherwise permissible subject.

17 For as long as there is a need to dispel confusion over the
18 nonsponsorship of the student's speech, at each event in which a
19 student will deliver an introduction, a disclaimer shall be stated
20 in written or oral form, or both, such as, "The student giving the
21 introduction for this event is a volunteering student selected on
22 neutral criteria to introduce the event. The content of the
23 introduction is the private expression of the student and does not
24 reflect the endorsement, sponsorship, position, or expression of
25 the school district."

26 Certain students who have attained special positions of honor
27 in the school have traditionally addressed school audiences from

1 time to time as a tangential component of their achieved positions
2 of honor, such as the captains of various sports teams, student
3 council officers, class officers, homecoming kings and queens, prom
4 kings and queens, and the like, and have attained their positions
5 based on neutral criteria. Nothing in this policy eliminates the
6 continuation of the practice of having these students, irrespective
7 of grade level, address school audiences in the normal course of
8 their respective positions. The school district shall create a
9 limited public forum for the speakers and shall treat a student's
10 voluntary expression of a religious viewpoint, if any, on an
11 otherwise permissible subject in the same manner the district
12 treats a student's voluntary expression of a secular or other
13 viewpoint on an otherwise permissible subject and may not
14 discriminate against the student based on a religious viewpoint
15 expressed by the student on an otherwise permissible subject.

16 ARTICLE III

17 STUDENT SPEAKERS AT GRADUATION CEREMONIES

18 The school district hereby creates a limited public forum
19 consisting of an opportunity for a student to speak to begin
20 graduation ceremonies and another student to speak to end
21 graduation ceremonies. For each speaker, the district shall set a
22 maximum time limit reasonable and appropriate to the occasion.

23 The forum shall be limited in the manner provided by this
24 article.

25 Only students who are graduating and who hold one of the
26 following neutral criteria positions of honor shall be eligible to
27 use the limited public forum: student council officers, class

1 officers of the graduating class, the top three academically ranked
2 graduates, or a shorter or longer list of student leaders as the
3 school district may designate. A student who will otherwise have a
4 speaking role in the graduation ceremonies is ineligible to give
5 the opening and closing remarks. The names of the eligible
6 volunteering students will be randomly drawn. The first name drawn
7 will give the opening and the second name drawn will give the
8 closing.

9 The topic of the opening and closing remarks must be related
10 to the purpose of the graduation ceremony and to the purpose of
11 marking the opening and closing of the event, honoring the
12 occasion, the participants, and those in attendance, bringing the
13 audience to order, and focusing the audience on the purpose of the
14 event.

15 In addition to the students giving the opening and closing
16 remarks, certain other students who have attained special positions
17 of honor based on neutral criteria, including, without limitation,
18 the valedictorian, will have speaking roles at graduation
19 ceremonies. For each speaker, the school district shall set a
20 maximum time limit reasonable and appropriate to the occasion and
21 to the position held by the speaker. For this purpose, the district
22 creates a limited public forum for these students to deliver the
23 addresses. The subject of the addresses must be related to the
24 purpose of the graduation ceremony, marking and honoring the
25 occasion, honoring the participants and those in attendance, and
26 the student's perspective on purpose, achievement, life, school,
27 graduation, and looking forward to the future.

1 The subject must be designated for each student speaker, the
2 student must stay on the subject, and the student may not engage in
3 obscene, vulgar, offensively lewd, or indecent speech. The school
4 district shall treat a student's voluntary expression of a
5 religious viewpoint, if any, on an otherwise permissible subject in
6 the same manner the district treats a student's voluntary
7 expression of a secular or other viewpoint on an otherwise
8 permissible subject and may not discriminate against the student
9 based on a religious viewpoint expressed by the student on an
10 otherwise permissible subject.

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

23 ARTICLE IV

24 RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

25 Students may express the students' beliefs about religion in
26 homework, artwork, and other written and oral assignments free from
27 discrimination based on the religious content of the students'

1 submission. Homework and classroom work shall be judged by
2 ordinary academic standards of substance and relevance and against
3 other legitimate pedagogical concerns identified by the school.
4 Students may not be penalized or rewarded on account of religious
5 content. If a teacher's assignment involves writing a poem, the
6 work of a student who submits a poem in the form of a prayer (for
7 example, a psalm) should be judged on the basis of academic
8 standards, including literary quality, and not penalized or
9 rewarded on account of its religious content.

10 ARTICLE V

11 FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

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

1 favor or disfavor groups that meet to engage in prayer or other
2 religious speech.

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

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 3678 was passed by the House on May 1, 2007, by the following vote: Yeas 121, Nays 10, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3678 on May 26, 2007, by the following vote: Yeas 108, Nays 28, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3678 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 27, Nays 3.

Secretary of the Senate

APPROVED: _____

Date

Governor