

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

H.B. No. 3678

Substitute the following for H.B. No. 3678:

By: Cook of Navarro

C.S.H.B. No. 3678

A BILL TO BE ENTITLED

AN ACT

1
2 relating to voluntary student expression of religious viewpoints in
3 public schools.

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

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

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

10 SUBCHAPTER E. STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

11 Sec. 25.151. STUDENT EXPRESSION. A school district shall
12 treat a student's voluntary expression of a religious viewpoint, if
13 any, on an otherwise permissible subject in the same manner the
14 district treats a student's voluntary expression of a secular or
15 other viewpoint on an otherwise permissible subject and may not
16 discriminate against the student based on a religious viewpoint
17 expressed by the student on an otherwise permissible subject.

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

19 (a) To ensure that the district does not discriminate against a
20 student's publicly stated voluntary expression of a religious
21 viewpoint, if any, and to eliminate any actual or perceived
22 affirmative school sponsorship or attribution to the district of a
23 student's expression of a religious viewpoint, if any, a school
24 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 engage in
11 obscene, vulgar, offensively lewd, or indecent speech; and

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

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

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

24 Sec. 25.153. RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS.
25 Students may express their beliefs about religion in homework,
26 artwork, and other written and oral assignments free from
27 discrimination based on the religious content of their submissions.

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

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

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

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

5 ARTICLE I

6 STUDENT SPEAKERS AT NONGRADUATION EVENTS

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

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

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

22 An eligible student shall be notified of the student's
23 eligibility, and a student who wishes to participate as an
24 introducing speaker shall submit the student's name to the student
25 council or other designated body during an announced period of not
26 less than three days. The announced period may be at the beginning
27 of the school year, at the end of the preceding school year so

1 student speakers are in place for the new year, or, if the selection
2 process will be repeated each semester, at the beginning of each
3 semester or at the end of the preceding semester so speakers are in
4 place for the next semester. The names of the volunteering student
5 speakers shall be randomly drawn until all names have been
6 selected, and the names shall be listed in the order drawn. Each
7 selected student will be matched chronologically to the event for
8 which the student will be giving the introduction. Each student may
9 speak for one week at a time for all introductions of events that
10 week, or rotate after each speaking event, or otherwise as
11 determined by the district. The list of student speakers shall be
12 chronologically repeated as needed, in the same order. The
13 district may repeat the selection process each semester rather than
14 once a year.

15 The subject of the student introductions must be related to
16 the purpose of the event and to the purpose of marking the opening
17 of the event, honoring the occasion, the participants, and those in
18 attendance, bringing the audience to order, and focusing the
19 audience on the purpose of the event. The subject must be
20 designated, a student must stay on the subject, and the student may
21 not engage in obscene, vulgar, offensively lewd, or indecent
22 speech. The district shall treat students' voluntary expression of
23 religious viewpoints, if any, on an otherwise permissible subject
24 in the same manner the district treats students' voluntary
25 expression of secular or other viewpoints on an otherwise
26 permissible subject and may not discriminate against a student
27 based on a religious viewpoint expressed by the student on an

1 otherwise permissible subject.

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

11 Certain students who have attained special positions of honor
12 in the school have traditionally addressed school audiences from
13 time to time as a tangential component of their achieved positions
14 of honor, such as the captains of various sports teams, student
15 council officers, class officers, homecoming kings and queens, prom
16 kings and queens, and the like, and have attained their positions
17 based on neutral criteria. Nothing in this policy eliminates the
18 continuation of the practice of having these students, irrespective
19 of grade level, address school audiences in the normal course of
20 their respective positions. The district shall create a limited
21 public forum for the speakers and shall treat the students'
22 voluntary expression of religious viewpoints, if any, on an
23 otherwise permissible subject in the same manner the district
24 treats the students' voluntary expression of secular or other
25 viewpoints on an otherwise permissible subject and may not
26 discriminate against a student based on a religious viewpoint
27 expressed by the student on an otherwise permissible subject.

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

12 The subject must be designated for each student speaker, the
13 student must stay on the subject, and the student may not engage in
14 obscene, vulgar, offensively lewd, or indecent speech. The district
15 shall treat the students' voluntary expression of religious
16 viewpoints, if any, on an otherwise permissible subject in the same
17 manner the district treats students' voluntary expression of
18 secular or other viewpoints on an otherwise permissible subject and
19 may not discriminate against a student based on a religious
20 viewpoint expressed by the student on an otherwise permissible
21 subject.

22 A written disclaimer shall be printed in the graduation
23 program that states, "The students who will be speaking at the
24 graduation ceremony were selected based on neutral criteria to
25 deliver messages of the students' own choices. The content of each
26 student speaker's message is the private expression of the
27 individual student and does not reflect any position or expression

1 of the school district or the board of trustees, or the district's
2 administration, or employees of the district, or the views of any
3 other graduate. The contents of these messages were prepared by the
4 student volunteers, and the district refrained from any interaction
5 with student speakers regarding the student speakers' viewpoints on
6 permissible subjects."

7 ARTICLE III

8 RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

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

21 ARTICLE IV

22 FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

23 Students may organize prayer groups, religious clubs, "see
24 you at the pole" gatherings, and other religious gatherings before,
25 during, and after school to the same extent that students are
26 permitted to organize other noncurricular student activities and
27 groups. Religious groups must be given the same access to school

1 facilities for assembling as is given to other noncurricular
2 groups, without discrimination based on the religious content of
3 the group's expression. If student groups that meet for
4 nonreligious activities are permitted to advertise or announce the
5 groups' meetings, for example, by advertising in a student
6 newspaper, putting up posters, making announcements on a student
7 activities bulletin board or public address system, or handing out
8 leaflets, school authorities may not discriminate against groups
9 that meet for prayer or other religious speech. School authorities
10 may disclaim sponsorship of noncurricular groups and events,
11 provided they administer the disclaimer in a manner that does not
12 favor or disfavor groups that meet to engage in prayer or other
13 religious speech.

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

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