

1-1 By: Howard of Fort Bend, et al. H.B. No. 3678
1-2 (Senate Sponsor - Williams)
1-3 (In the Senate - Received from the House May 1, 2007;
1-4 May 2, 2007, read first time and referred to Committee on
1-5 Education; May 21, 2007, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-7 May 21, 2007, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 3678 By: Williams

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to voluntary student expression of religious viewpoints in
1-12 public schools.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. This Act may be cited as the "Religious
1-15 Viewpoints Antidiscrimination Act" or the "Schoolchildren's
1-16 Religious Liberties Act."

1-17 SECTION 2. Chapter 25, Education Code, is amended by adding
1-18 Subchapter E to read as follows:

1-19 SUBCHAPTER E. STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

1-20 Sec. 25.151. STUDENT EXPRESSION. A school district shall
1-21 treat a student's voluntary expression of a religious viewpoint, if
1-22 any, on an otherwise permissible subject in the same manner the
1-23 district treats a student's voluntary expression of a secular or
1-24 other viewpoint on an otherwise permissible subject and may not
1-25 discriminate against the student based on a religious viewpoint
1-26 expressed by the student on an otherwise permissible subject.

1-27 Sec. 25.152. LIMITED PUBLIC FORUM; SCHOOL DISTRICT POLICY.

1-28 (a) To ensure that the school district does not discriminate
1-29 against a student's publicly stated voluntary expression of a
1-30 religious viewpoint, if any, and to eliminate any actual or
1-31 perceived affirmative school sponsorship or attribution to the
1-32 district of a student's expression of a religious viewpoint, if
1-33 any, a school district shall adopt a policy, which must include the
1-34 establishment of a limited public forum for student speakers at all
1-35 school events at which a student is to publicly speak. The policy
1-36 regarding the limited public forum must also require the school
1-37 district to:

1-38 (1) provide the forum in a manner that does not
1-39 discriminate against a student's voluntary expression of a
1-40 religious viewpoint, if any, on an otherwise permissible subject;

1-41 (2) provide a method, based on neutral criteria, for
1-42 the selection of student speakers at school events and graduation
1-43 ceremonies;

1-44 (3) ensure that a student speaker does not engage in
1-45 obscene, vulgar, offensively lewd, or indecent speech; and

1-46 (4) state, in writing, orally, or both, that the
1-47 student's speech does not reflect the endorsement, sponsorship,
1-48 position, or expression of the district.

1-49 (b) The school district disclaimer required by Subsection
1-50 (a)(4) must be provided at all graduation ceremonies. The school
1-51 district must also continue to provide the disclaimer at any other
1-52 event in which a student speaks publicly for as long as a need
1-53 exists to dispel confusion over the district's nonsponsorship of
1-54 the student's speech.

1-55 (c) Student expression on an otherwise permissible subject
1-56 may not be excluded from the limited public forum because the
1-57 subject is expressed from a religious viewpoint.

1-58 Sec. 25.153. RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS.
1-59 Students may express their beliefs about religion in homework,
1-60 artwork, and other written and oral assignments free from
1-61 discrimination based on the religious content of their submissions.
1-62 Homework and classroom assignments must be judged by ordinary
1-63 academic standards of substance and relevance and against other

2-1 legitimate pedagogical concerns identified by the school district.
2-2 Students may not be penalized or rewarded on account of the
2-3 religious content of their work.

2-4 Sec. 25.154. FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND
2-5 ACTIVITIES. Students may organize prayer groups, religious clubs,
2-6 "see you at the pole" gatherings, or other religious gatherings
2-7 before, during, and after school to the same extent that students
2-8 are permitted to organize other noncurricular student activities
2-9 and groups. Religious groups must be given the same access to
2-10 school facilities for assembling as is given to other noncurricular
2-11 groups without discrimination based on the religious content of the
2-12 students' expression. If student groups that meet for nonreligious
2-13 activities are permitted to advertise or announce meetings of the
2-14 groups, the school district may not discriminate against groups
2-15 that meet for prayer or other religious speech. A school district
2-16 may disclaim school sponsorship of noncurricular groups and events
2-17 in a manner that neither favors nor disfavors groups that meet to
2-18 engage in prayer or religious speech.

2-19 Sec. 25.155. ADOPTION OF POLICY. A school district shall
2-20 adopt and implement a local policy regarding a limited public forum
2-21 and voluntary student expression of religious viewpoints. If a
2-22 school district voluntarily adopts and follows the model policy
2-23 governing voluntary religious expression in public schools as
2-24 provided by Section 25.156, the district is in compliance with the
2-25 provisions of this subchapter covered by the model policy.

2-26 Sec. 25.156. MODEL POLICY GOVERNING VOLUNTARY RELIGIOUS
2-27 EXPRESSION IN PUBLIC SCHOOLS. In this section, "model policy"
2-28 means a local policy adopted by the school district that is
2-29 substantially identical to the following:

2-30 ARTICLE I

2-31 STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

2-32 The school district shall treat a student's voluntary
2-33 expression of a religious viewpoint, if any, on an otherwise
2-34 permissible subject in the same manner the district treats a
2-35 student's voluntary expression of a secular or other viewpoint on
2-36 an otherwise permissible subject and may not discriminate against
2-37 the student based on a religious viewpoint expressed by the student
2-38 on an otherwise permissible subject.

2-39 ARTICLE II

2-40 STUDENT SPEAKERS AT NONGRADUATION EVENTS

2-41 The school district hereby creates a limited public forum for
2-42 student speakers at all school events at which a student is to
2-43 publicly speak. For each speaker, the district shall set a maximum
2-44 time limit reasonable and appropriate to the occasion. Student
2-45 speakers shall introduce:

- 2-46 (1) football games;
- 2-47 (2) any other athletic events designated by the
2-48 district;
- 2-49 (3) opening announcements and greetings for the school
2-50 day; and
- 2-51 (4) any additional events designated by the district,
2-52 which may include, without limitation, assemblies and pep rallies.

2-53 The forum shall be limited in the manner provided by this
2-54 article.

2-55 Only those students in the highest two grade levels of the
2-56 school and who hold one of the following positions of honor based on
2-57 neutral criteria are eligible to use the limited public forum:
2-58 student council officers, class officers of the highest grade level
2-59 in the school, captains of the football team, and other students
2-60 holding positions of honor as the school district may designate.

2-61 An eligible student shall be notified of the student's
2-62 eligibility, and a student who wishes to participate as an
2-63 introducing speaker shall submit the student's name to the student
2-64 council or other designated body during an announced period of not
2-65 less than three days. The announced period may be at the beginning
2-66 of the school year, at the end of the preceding school year so
2-67 student speakers are in place for the new year, or, if the selection
2-68 process will be repeated each semester, at the beginning of each
2-69 semester or at the end of the preceding semester so speakers are in

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

3-12 The subject of the student introductions must be related to
 3-13 the purpose of the event and to the purpose of marking the opening
 3-14 of the event, honoring the occasion, the participants, and those in
 3-15 attendance, bringing the audience to order, and focusing the
 3-16 audience on the purpose of the event. The subject must be
 3-17 designated, a student must stay on the subject, and the student may
 3-18 not engage in obscene, vulgar, offensively lewd, or indecent
 3-19 speech. The school district shall treat a student's voluntary
 3-20 expression of a religious viewpoint, if any, on an otherwise
 3-21 permissible subject in the same manner the district treats a
 3-22 student's voluntary expression of a secular or other viewpoint on
 3-23 an otherwise permissible subject and may not discriminate against
 3-24 the student based on a religious viewpoint expressed by the student
 3-25 on an otherwise permissible subject.

3-26 For as long as there is a need to dispel confusion over the
 3-27 nonsponsorship of the student's speech, at each event in which a
 3-28 student will deliver an introduction, a disclaimer shall be stated
 3-29 in written or oral form, or both, such as, "The student giving the
 3-30 introduction for this event is a volunteering student selected on
 3-31 neutral criteria to introduce the event. The content of the
 3-32 introduction is the private expression of the student and does not
 3-33 reflect the endorsement, sponsorship, position, or expression of
 3-34 the school district."

3-35 Certain students who have attained special positions of honor
 3-36 in the school have traditionally addressed school audiences from
 3-37 time to time as a tangential component of their achieved positions
 3-38 of honor, such as the captains of various sports teams, student
 3-39 council officers, class officers, homecoming kings and queens, prom
 3-40 kings and queens, and the like, and have attained their positions
 3-41 based on neutral criteria. Nothing in this policy eliminates the
 3-42 continuation of the practice of having these students, irrespective
 3-43 of grade level, address school audiences in the normal course of
 3-44 their respective positions. The school district shall create a
 3-45 limited public forum for the speakers and shall treat a student's
 3-46 voluntary expression of a religious viewpoint, if any, on an
 3-47 otherwise permissible subject in the same manner the district
 3-48 treats a student's voluntary expression of a secular or other
 3-49 viewpoint on an otherwise permissible subject and may not
 3-50 discriminate against the student based on a religious viewpoint
 3-51 expressed by the student on an otherwise permissible subject.

3-52 ARTICLE III

3-53 STUDENT SPEAKERS AT GRADUATION CEREMONIES

3-54 The school district hereby creates a limited public forum
 3-55 consisting of an opportunity for a student to speak to begin
 3-56 graduation ceremonies and another student to speak to end
 3-57 graduation ceremonies. For each speaker, the district shall set a
 3-58 maximum time limit reasonable and appropriate to the occasion.

3-59 The forum shall be limited in the manner provided by this
 3-60 article.

3-61 Only students who are graduating and who hold one of the
 3-62 following neutral criteria positions of honor shall be eligible to
 3-63 use the limited public forum: student council officers, class
 3-64 officers of the graduating class, the top three academically ranked
 3-65 graduates, or a shorter or longer list of student leaders as the
 3-66 school district may designate. A student who will otherwise have a
 3-67 speaking role in the graduation ceremonies is ineligible to give
 3-68 the opening and closing remarks. The names of the eligible
 3-69 volunteering students will be randomly drawn. The first name drawn

4-1 will give the opening and the second name drawn will give the
4-2 closing.

4-3 The topic of the opening and closing remarks must be related
4-4 to the purpose of the graduation ceremony and to the purpose of
4-5 marking the opening and closing of the event, honoring the
4-6 occasion, the participants, and those in attendance, bringing the
4-7 audience to order, and focusing the audience on the purpose of the
4-8 event.

4-9 In addition to the students giving the opening and closing
4-10 remarks, certain other students who have attained special positions
4-11 of honor based on neutral criteria, including, without limitation,
4-12 the valedictorian, will have speaking roles at graduation
4-13 ceremonies. For each speaker, the school district shall set a
4-14 maximum time limit reasonable and appropriate to the occasion and
4-15 to the position held by the speaker. For this purpose, the district
4-16 creates a limited public forum for these students to deliver the
4-17 addresses. The subject of the addresses must be related to the
4-18 purpose of the graduation ceremony, marking and honoring the
4-19 occasion, honoring the participants and those in attendance, and
4-20 the student's perspective on purpose, achievement, life, school,
4-21 graduation, and looking forward to the future.

4-22 The subject must be designated for each student speaker, the
4-23 student must stay on the subject, and the student may not engage in
4-24 obscene, vulgar, offensively lewd, or indecent speech. The school
4-25 district shall treat a student's voluntary expression of a
4-26 religious viewpoint, if any, on an otherwise permissible subject in
4-27 the same manner the district treats a student's voluntary
4-28 expression of a secular or other viewpoint on an otherwise
4-29 permissible subject and may not discriminate against the student
4-30 based on a religious viewpoint expressed by the student on an
4-31 otherwise permissible subject.

4-32 A written disclaimer shall be printed in the graduation
4-33 program that states, "The students who will be speaking at the
4-34 graduation ceremony were selected based on neutral criteria to
4-35 deliver messages of the students' own choices. The content of each
4-36 student speaker's message is the private expression of the
4-37 individual student and does not reflect any position or expression
4-38 of the school district or the board of trustees, or the district's
4-39 administration, or employees of the district, or the views of any
4-40 other graduate. The contents of these messages were prepared by the
4-41 student volunteers, and the district refrained from any interaction
4-42 with student speakers regarding the student speakers' viewpoints on
4-43 permissible subjects."

4-44 ARTICLE IV

4-45 RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

4-46 Students may express the students' beliefs about religion in
4-47 homework, artwork, and other written and oral assignments free from
4-48 discrimination based on the religious content of the students'
4-49 submission. Homework and classroom work shall be judged by
4-50 ordinary academic standards of substance and relevance and against
4-51 other legitimate pedagogical concerns identified by the school.
4-52 Students may not be penalized or rewarded on account of religious
4-53 content. If a teacher's assignment involves writing a poem, the
4-54 work of a student who submits a poem in the form of a prayer (for
4-55 example, a psalm) should be judged on the basis of academic
4-56 standards, including literary quality, and not penalized or
4-57 rewarded on account of its religious content.

4-58 ARTICLE V

4-59 FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

4-60 Students may organize prayer groups, religious clubs, "see
4-61 you at the pole" gatherings, and other religious gatherings before,
4-62 during, and after school to the same extent that students are
4-63 permitted to organize other noncurricular student activities and
4-64 groups. Religious groups must be given the same access to school
4-65 facilities for assembling as is given to other noncurricular
4-66 groups, without discrimination based on the religious content of
4-67 the group's expression. If student groups that meet for
4-68 nonreligious activities are permitted to advertise or announce the
4-69 groups' meetings, for example, by advertising in a student

5-1 newspaper, putting up posters, making announcements on a student
5-2 activities bulletin board or public address system, or handing out
5-3 leaflets, school authorities may not discriminate against groups
5-4 that meet for prayer or other religious speech. School authorities
5-5 may disclaim sponsorship of noncurricular groups and events,
5-6 provided they administer the disclaimer in a manner that does not
5-7 favor or disfavor groups that meet to engage in prayer or other
5-8 religious speech.

5-9 SECTION 3. This Act applies beginning with the 2007-2008
5-10 school year.

5-11 SECTION 4. This Act takes effect immediately if it receives
5-12 a vote of two-thirds of all the members elected to each house, as
5-13 provided by Section 39, Article III, Texas Constitution. If this
5-14 Act does not receive the vote necessary for immediate effect, this
5-15 Act takes effect September 1, 2007.

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