HB588

151689-1

By Representatives Butler, Fincher, Baker, Buttram, Johnson (W), Patterson, Chesteen, Lee, McCutcheon, Sessions, Henry, Brown, Farley, Standridge, Long, Gaston, Hubbard (M), Davis, Nordgren, Hill and Ball

RFD: Education Policy

First Read: 10-APR-13
SYNOPSIS: This bill would create the Alabama Student Religious Liberties Act of 2013.

This bill would prohibit school districts from discriminating against a student or parent on the basis of a religious viewpoint or religious expression in public schools.

This bill would require school districts to allow religious expression in class assignments, coursework, and artwork.

This bill would require school districts to provide students with the freedom to organize religious groups and activities.

This bill would also require school districts to adopt and implement a policy regarding a limited public forum and voluntary student expression of religious viewpoints.

A BILL
TO BE ENTITLED
AN ACT
Relating to religious expression; to create the Alabama Student Religious Liberties Act of 2013; to prohibit school districts from discriminating against a student or parent on the basis of a religious viewpoint or religious expression in public schools; to require school districts to allow religious expression in class assignments, coursework, and artwork; to require school districts to provide students with the freedom to organize religious groups and activities; and to require school districts to adopt and implement a policy regarding a limited public forum and voluntary student expression of religious viewpoints.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Alabama Student Religious Liberties Act of 2013."

Section 2. A public school district may not discriminate against students or parents on the basis of a religious viewpoint or religious 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.

Section 3. Students may 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. Homework and classroom assignments shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school district. Students may not be penalized or rewarded on account of the religious content of their work. If an assignment requires a student's viewpoint to be expressed in coursework, artwork, or other written or oral assignments, a public school may not penalize or reward a student on the basis of religious content or a religious viewpoint. In such an assignment, a student's academic work that expresses a religious viewpoint shall be evaluated based on ordinary academic standards of substance and relevance to the course curriculum or requirements of the coursework or assignment.

Section 4. (a) Students in public schools may pray or engage in religious activities or religious expression before, during, and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression. Students may 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. Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content.
of the students' expression. If student groups that meet for
nonreligious activities are permitted to advertise or announce
meetings of the groups, the school district may not
discriminate against groups that meet for prayer or other
religious speech. A school district may disclaim school
sponsorship of noncurricular groups and events in a manner
that neither favors nor disfavors groups that meet to engage
in prayer or religious speech.

(b) Students in public schools may wear clothing,
accessories and jewelry that display religious messages or
religious symbols in the same manner and to the same extent
that other types of clothing, accessories and jewelry that
display messages or symbols are permitted.

Section 5. (a) In order to ensure that a 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 school district of a
student's expression of a religious viewpoint, if any, a
school district shall adopt a policy that includes the
establishment of a limited public forum for student speakers
at all school events at which a student is to publicly speak,
as provided in Section 7. The policy regarding the limited
public forum shall also require the school district to do all
of the following:

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

(2) Provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies.

(3) Ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech.

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

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

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

Section 6. Each school district shall adopt and implement a local policy regarding a limited public forum and voluntary student expression of religious viewpoints. If a school district voluntarily adopts and follows a policy governing voluntary religious expression in public schools that is substantially similar to the model policy provided in
Section 7, the school district is in compliance with the provisions of this act covered by the model policy.

Section 7. (a) Student Expression of Religious Viewpoints.

The 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.

(b) Student Speakers at Nongraduation Events.

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

a. Football games.

b. Any other athletic events designated by the district.

c. Opening announcements and greetings for the school day.

d. Any additional events designated by the district, which may include, without limitation, assemblies and pep rallies.
(2) The forum shall be limited in the manner provided by this subsection.

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

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

(5) The subject of the student introductions shall be related to the purpose of the event and to the purpose of marking the opening of the event; honoring the occasion, the participants, and those in attendance; bringing the audience to order; and focusing the audience on the purpose of the event. The subject shall be designated, a student shall stay on the subject, and the student may not engage in obscene, vulgar, offensively lewd, or indecent speech. The 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 school 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.

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

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

(c) Student Speakers at Graduation Ceremonies.

(1) The school district hereby creates a limited
public forum consisting of an opportunity for a student to
speak to begin graduation ceremonies and another student to
speak to end graduation ceremonies. For each speaker, the
1 district shall set a maximum time limit reasonable and
2 appropriate to the occasion.
3
4 (2) The forum shall be limited in the manner
5 provided by this subsection.
6
7 (3) Only students who are graduating and who hold
8 one of the following neutral criteria positions of honor shall
9 be eligible to use the limited public forum: Student council
10 officers, class officers of the graduating class, the top
11 three academically ranked graduates, or a shorter or longer
12 list of student leaders as the school district may designate.
13 A student who will otherwise have a speaking role in the
14 graduation ceremonies is ineligible to give the opening and
15 closing remarks. The names of the eligible volunteering
16 students shall be randomly drawn. The first name drawn shall
17 give the opening remark and the second name drawn shall give
18 the closing remark.
19
20 (4) The topic of the opening and closing remarks
21 shall be related to the purpose of the graduation ceremony and
22 to the purpose of marking the opening and closing of the
23 event; honoring the occasion, the participants, and those in
24 attendance; bringing the audience to order; and focusing the
25 audience on the purpose of the event.
26
27 (5) In addition to the students giving the opening
28 and closing remarks, certain other students who have attained
29 special positions of honor based on neutral criteria,
30 including, without limitation, the valedictorian, shall have
31 speaking roles at graduation ceremonies. For each speaker, the
school district shall set a maximum time limit reasonable and appropriate to the occasion and to the position held by the speaker. For this purpose, the district creates a limited public forum for these students to deliver the addresses. The subject of the addresses shall be related to the purpose of the graduation ceremony, marking and honoring the occasion, honoring the participants and those in attendance, and the student's perspective on purpose, achievement, life, school, graduation, and looking forward to the future.

(6) The subject shall be designated for each student speaker, the student shall stay on the subject, and the student may not engage in obscene, vulgar, offensively lewd, or indecent speech. The 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.

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

(d) Religious Expression in Class Assignments.

Students may express the students' beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of the students' submission. Homework and classroom work shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school. Students may not be penalized or rewarded on account of religious content.

If a teacher's assignment involves writing a poem, the work of a student who submits a poem in the form of a prayer (for example, a psalm) should be judged on the basis of academic standards, including literary quality, and not penalized or rewarded on account of its religious content.

(e) Freedom to Organize Religious Groups and Activities.

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

Section 8. This act shall not be construed to
authorize this state or any of its political subdivisions to
do either of the following:

(1) Require any person to participate in prayer or
in any other religious activity.

(2) Violate the constitutional rights of any person.

Section 9. This act shall not be construed to limit
the authority of any public school to do any of the following:

(1) Maintain order and discipline on the campus of
the public school in a content and viewpoint neutral manner.

(2) Protect the safety of students, employees, and
visitors of the public school.
(3) Adopt and enforce policies and procedures regarding student speech at school provided that the policies and procedures do not violate the rights of students as guaranteed by the United States and Alabama constitutions and laws.

Section 10. This act shall apply beginning with the 2013-2014 school year.

Section 11. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.