

THE HOUSE OF REPRESENTATIVES  
Monday, March 3, 2008

Committee Substitute for  
**House Bill No. 2211**

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2211 - By: KERN, DANK AND SULLIVAN of the House and BROGDON of the Senate.

An Act relating to schools; creating the Religious Viewpoints Antidiscrimination Act; requiring school districts to treat student expression in certain manner; directing school districts to adopt a limited public forum for student speakers policy; stating purpose of the policy; listing certain provisions; requiring school district disclaimers to be provided at certain events; prohibiting the exclusion of religious expression from the limited public forum; allowing student religious expression in class assignments; specifying standards for judging homework and classroom assignments; allowing students to organize religious groups and activities; specifying treatment of religious groups; allowing school districts to disclaim school sponsorship of student groups; requiring school districts to adopt and implement a limited public forum and voluntary student expression of religious viewpoints policy; specifying that school districts adopting the model policy are compliant with the act; setting forth the Model Religious Viewpoints Antidiscrimination Policy; defining term; providing for student expression of religious viewpoints; providing for student speakers at nongraduation events; establishing public forum limits; providing for notification of eligible students; specifying subject limitations; requiring distribution of a school district disclaimer; allowing certain student speakers based on special positions of honor; providing for student speakers at graduation ceremonies; establishing limited public forum; specifying student eligibility criteria; specifying topic limitations; allowing certain student speakers based on special positions of honor; specifying subject matter; requiring a written disclaimer on graduation programs; providing for religious expression in class assignments; requiring homework and classroom work to be judged on certain standard; providing for the freedom to organize religious groups and activities; specifying treatment of religious groups; allowing school districts to disclaim sponsorship of groups and events; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma  
2 Statutes as Section 27-101 of Title 70, unless there is created a duplication in numbering,  
3 reads as follows:

4 This act shall be known and may be cited as the “Religious Viewpoints  
5 Antidiscrimination Act”.

6 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma  
7 Statutes as Section 27-102 of Title 70, unless there is created a duplication in numbering,  
8 reads as follows:

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

14 SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma  
15 Statutes as Section 27-103 of Title 70, unless there is created a duplication in numbering,  
16 reads as follows:

17 A. To ensure that a school district does not discriminate against the publicly stated  
18 voluntary expression by a student of a religious viewpoint, if any, and to eliminate any

1 actual or perceived affirmative school sponsorship or attribution to the district of the  
2 expression of a religious viewpoint by a student, if any, each school district in the state  
3 shall adopt a policy, which shall include the establishment of a limited public forum for  
4 student speakers at all school events at which a student is to publicly speak. The policy  
5 regarding the limited public forum shall also require the school district to:

6 1. Provide the forum in a manner that does not discriminate against the voluntary  
7 expression by a student of a religious viewpoint, if any, on an otherwise permissible  
8 subject;

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

11 3. Ensure that a student speaker does not engage in obscene, vulgar, offensively  
12 lewd, or indecent speech or speech promoting illegal drug use; and

13 4. State, in writing, orally, or both, that the speech of a student does not reflect the  
14 endorsement, sponsorship, position, or expression of the district.

15 B. The school district disclaimer required by paragraph 4 of subsection A of this  
16 section shall be provided at all graduation ceremonies. The school district shall also  
17 continue to provide the disclaimer at any other event in which a student speaks publicly  
18 for as long as a need exists to dispel confusion over the nonsponsorship of the student  
19 speech by the district.

20 C. Student expression on an otherwise permissible subject shall not be excluded  
21 from the limited public forum because the subject is expressed from a religious  
22 viewpoint.

1 SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma  
2 Statutes as Section 27-104 of Title 70, unless there is created a duplication in numbering,  
3 reads as follows:

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

10 SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma  
11 Statutes as Section 27-105 of Title 70, unless there is created a duplication in numbering,  
12 reads as follows:

13 Students may organize prayer groups, religious clubs, "see you at the pole"  
14 gatherings, or other religious gatherings before, during, and after school to the same  
15 extent that students are permitted to organize other noncurricular student activities and  
16 groups. Religious groups shall be given the same access to school facilities for  
17 assembling as is given to other noncurricular groups without discrimination based on the  
18 religious content of the student expression. If student groups that meet for nonreligious  
19 activities are permitted to advertise or announce meetings of the groups, the school  
20 district shall not discriminate against groups that meet for prayer or other religious  
21 speech. A school district may disclaim school sponsorship of noncurricular groups and

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 events in a manner that neither favors nor disfavors groups that meet to engage in  
2 prayer or religious speech.

3 SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma  
4 Statutes as Section 27-106 of Title 70, unless there is created a duplication in numbering,  
5 reads as follows:

6 Each school district in the state shall adopt and implement a local policy regarding  
7 a limited public forum and voluntary student expression of religious viewpoints. If a  
8 school district voluntarily adopts and follows the model policy governing voluntary  
9 religious expression in public schools as provided by Section 7 of this act, the district  
10 shall be in compliance with the provisions of the Religious Viewpoints Antidiscrimination  
11 Act covered by the model policy.

12 SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma  
13 Statutes as Section 27-107 of Title 70, unless there is created a duplication in numbering,  
14 reads as follows:

15 This section sets forth the provisions of the Model Religious Viewpoints  
16 Antidiscrimination Policy. As used in the Religious Viewpoints Antidiscrimination Act,  
17 "model policy" means a policy adopted by a school district in the state that is  
18 substantially identical to the following:

19 MODEL RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION POLICY

20 ARTICLE I. STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

21 The school district shall treat the voluntary expression by a student of a religious  
22 viewpoint, if any, on an otherwise permissible subject in the same manner the district

1 treats the voluntary expression by a student of a secular or other viewpoint on an  
2 otherwise permissible subject and may not discriminate against the student based on a  
3 religious viewpoint expressed by the student on an otherwise permissible subject.

#### 4 ARTICLE II. STUDENT SPEAKERS AT NONGRADUATION EVENTS

5 A. The school district hereby creates a limited public forum for student speakers at  
6 all school events at which a student is to publicly speak. For each speaker, the district  
7 shall set a maximum time limit as enumerated below, reasonable and appropriate to the  
8 occasion. Student speakers shall introduce:

- 9 1. Football games;
- 10 2. Any other athletic events designated by the district;
- 11 3. Opening announcements and greetings for the school day; and
- 12 4. Any additional events designated by the district, which may include, without  
13 limitation, assemblies and pep rallies.

14 B. The forum shall be limited in the manner provided for in this article.

15 C. Only those students in the highest two grade levels of the school and who hold  
16 one of the following positions of honor based on neutral criteria are eligible to use the  
17 limited public forum:

- 18 1. Student council officers;
- 19 2. Class officers of the highest grade level in the school; and
- 20 3. Captains of the football team, and other students holding positions of honor as  
21 the school district may designate.

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

16 E. The subject of the student introductions shall be related to the purpose of the  
17 event and to the purpose of marking the opening of the event, honoring the occasion, the  
18 participants, and those in attendance, bringing the audience to order, and focusing the  
19 audience on the purpose of the event. The subject shall be designated, a student shall  
20 stay on the subject, and the student shall not engage in obscene, vulgar, offensively lewd,  
21 or indecent speech or speech promoting illegal drug use. The school district shall treat  
22 the voluntary expression by a student of a religious viewpoint, if any, on an otherwise

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

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

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

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

### 3 ARTICLE III. STUDENT SPEAKERS AT GRADUATION CEREMONIES

4 A. The school district hereby creates a limited public forum consisting of an  
5 opportunity for a student to speak to begin graduation ceremonies and another student  
6 to speak to end graduation ceremonies. For each speaker, the district shall set a  
7 maximum time limit reasonable and appropriate to the occasion.

8 B. The forum shall be limited in the manner provided by this Article.

9 C. Only students who are graduating and who hold one of the following neutral  
10 criteria positions of honor shall be eligible to use the limited public forum:

11 1. Student council officers;

12 2. Class officers of the graduating class; and

13 3. The top three academically ranked graduates, or a shorter or longer list of  
14 student leaders as the school district may designate.

15 D. A student who will otherwise have a speaking role in the graduation ceremonies  
16 is ineligible to give the opening and closing remarks. The names of the eligible  
17 volunteering students will be randomly drawn. The first name drawn will give the  
18 opening and the second name drawn will give the closing.

19 E. The topic of the opening and closing remarks shall be related to the purpose of  
20 the graduation ceremony and to the purpose of marking the opening and closing of the  
21 event, honoring the occasion, the participants, and those in attendance, bringing the  
22 audience to order, and focusing the audience on the purpose of the event.

1 F. In addition to the students giving the opening and closing remarks, certain other  
2 students who have attained special positions of honor based on neutral criteria,  
3 including, without limitation, the valedictorian, shall have speaking roles at graduation  
4 ceremonies. For each speaker, the school district shall set a maximum time limit  
5 reasonable and appropriate to the occasion and to the position held by the speaker. For  
6 this purpose, the district creates a limited public forum for these students to deliver the  
7 addresses. The subject of the addresses shall be related to the purpose of the graduation  
8 ceremony, marking and honoring the occasion, honoring the participants and those in  
9 attendance, and the perspective of the student on purpose, achievement, life, school,  
10 graduation, and looking forward to the future.

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

18 H. A written disclaimer shall be printed in the graduation program that states:  
19 "The students who will be speaking at the graduation ceremony were selected based on  
20 neutral criteria to deliver messages of the students' own choices. The content of the  
21 message of each student speaker is the private expression of the individual student and  
22 does not reflect any position or expression of the school district, the board of education of

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

#### 5 ARTICLE IV. RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

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

#### 15 ARTICLE V. FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND 16 ACTIVITIES

17 Students may organize prayer groups, religious clubs, "see you at the pole"  
18 gatherings, and other religious gatherings before, during, and after school to the same  
19 extent that students are permitted to organize other noncurricular student activities and  
20 groups. Religious groups shall be given the same access to school facilities for  
21 assembling as is given to other noncurricular groups, without discrimination based on  
22 the religious content of the expression of the group. If student groups that meet for

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

9 SECTION 8. This act shall become effective July 1, 2008.

10 SECTION 9. It being immediately necessary for the preservation of the public  
11 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
12 this act shall take effect and be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 02-28-08 - DO  
14 PASS, As Amended and Coauthored.