

THE HOUSE OF REPRESENTATIVES
Monday, February 23, 2009

Committee Substitute for
House Bill No. 1001

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1001 - By: REYNOLDS AND KERN of the House.

An Act relating to schools; creating the Religious Viewpoints Antidiscrimination Act; requiring school districts to treat student expression in certain manner; 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 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”.

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

4 A school district shall treat the voluntary expression of a student of a religious
5 viewpoint, if any, on an otherwise permissible subject in the same manner the district
6 treats the voluntary expression by a student of a secular or other viewpoint on an
7 otherwise permissible subject and may not discriminate against the student based on a
8 religious viewpoint, if any, expressed by the student on an otherwise permissible subject.

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

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

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

21 Students may organize prayer groups, religious clubs, "see you at the pole"
22 gatherings, or other religious gatherings before, during, and after school to the same

1 extent that students are permitted to organize other noncurricular student activities and
2 groups. Religious groups shall be given the same access to school facilities for
3 assembling as is given to other noncurricular groups without discrimination based on the
4 religious content of the student expression. If student groups that meet for nonreligious
5 activities are permitted to advertise or announce meetings of the groups, the school
6 district shall not discriminate against groups that meet for prayer or other religious
7 speech. A school district may disclaim school sponsorship of noncurricular groups and
8 events in a manner that neither favors nor disfavors groups that meet to engage in
9 prayer or religious speech.

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

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

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

1 This section sets forth the provisions of the Model Religious Viewpoints
2 Antidiscrimination Policy. As used in the Religious Viewpoints Antidiscrimination Act,
3 "model policy" means a local policy adopted by a school district that is substantially
4 identical to the following:

5 ARTICLE I. STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

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

11 ARTICLE II. RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

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

21 ARTICLE III. FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

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

15 SECTION 7. This act shall become effective July 1, 2009.

16 SECTION 8. It being immediately necessary for the preservation of the public
17 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
18 this act shall take effect and be in full force from and after its passage and approval.

19 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02-19-09
20 - DO PASS, As Amended.