

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1001

By: Reynolds and Kern

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5
6 AS INTRODUCED

7 An Act relating to schools; creating the Religious
8 Viewpoints Antidiscrimination Act; requiring school
9 districts to treat student expression in certain
10 manner; directing school districts to adopt a limited
11 public forum for student speakers policy; stating
12 purpose of the policy; listing certain provisions;
13 requiring school district disclaimers to be provided
14 at certain events; prohibiting the exclusion of
15 religious expression from the limited public forum;
16 allowing student religious expression in class
17 assignments; specifying standards for judging
18 homework and classroom assignments; allowing students
19 to organize religious groups and activities;
20 specifying treatment of religious groups; allowing
21 school districts to disclaim school sponsorship of
22 student groups; requiring school districts to adopt
23 and implement a limited public forum and voluntary
24 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

1 religious expression in class assignments; requiring
2 homework and classroom work to be judged on certain
3 standard; providing for the freedom to organize
4 religious groups and activities; specifying treatment
5 of religious groups; allowing school districts to
6 disclaim sponsorship of groups and events; providing
7 for codification; providing an effective date; and
8 declaring an emergency.

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

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

13 This act shall be known and may be cited as the "Religious
14 Viewpoints Antidiscrimination Act".

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

18 A school district shall treat the voluntary expression by a
19 student of a religious viewpoint, if any, on an otherwise
20 permissible subject in the same manner the district treats the
21 voluntary expression by a student of a secular or other viewpoint on
22 an otherwise permissible subject and may not discriminate against
23 the student based on a religious viewpoint expressed by the student
24 on an otherwise permissible subject.

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

4 A. To ensure that a school district does not discriminate
5 against the publicly stated voluntary expression by a student of a
6 religious viewpoint, if any, and to eliminate any actual or
7 perceived affirmative school sponsorship or attribution to the
8 district of the expression of a religious viewpoint by a student, if
9 any, each school district in the state shall adopt a policy, which
10 shall include the establishment of a limited public forum for
11 student speakers at all school events at which a student is to
12 publicly speak. The policy regarding the limited public forum shall
13 also require the school district to:

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

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

20 3. Ensure that a student speaker does not engage in obscene,
21 vulgar, offensively lewd, or indecent speech or speech promoting
22 illegal drug use; and
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1 4. State, in writing, orally, or both, that the speech of a
2 student does not reflect the endorsement, sponsorship, position, or
3 expression of the district.

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

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

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

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

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

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

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

21 Each school district in the state shall adopt and implement a
22 local policy regarding a limited public forum and voluntary student
23 expression of religious viewpoints. If a school district
24 voluntarily adopts and follows the model policy governing voluntary

1 religious expression in public schools as provided by Section 7 of
2 this act, the district shall be in compliance with the provisions of
3 the Religious Viewpoints Antidiscrimination Act covered by the model
4 policy.

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

8 This section sets forth the provisions of the Model Religious
9 Viewpoints Antidiscrimination Policy. As used in the Religious
10 Viewpoints Antidiscrimination Act, "model policy" means a policy
11 adopted by a school district in the state that is substantially
12 identical to the following:

13 MODEL RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION POLICY

14 ARTICLE I. STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

15 The school district shall treat the voluntary expression by a
16 student of a religious viewpoint, if any, on an otherwise
17 permissible subject in the same manner the district treats the
18 voluntary expression by a student of a secular or other viewpoint on
19 an otherwise permissible subject and may not discriminate against
20 the student based on a religious viewpoint expressed by the student
21 on an otherwise permissible subject.

22 ARTICLE II. STUDENT SPEAKERS AT NONGRADUATION EVENTS

23 A. The school district hereby creates a limited public forum
24 for student speakers at all school events at which a student is to

1 publicly speak. For each speaker, the district shall set a maximum
2 time limit as enumerated below, reasonable and appropriate to the
3 occasion. Student speakers shall introduce:

- 4 1. Football games;
- 5 2. Any other athletic events designated by the district;
- 6 3. Opening announcements and greetings for the school day; and
- 7 4. Any additional events designated by the district, which may
8 include, without limitation, assemblies and pep rallies.

9 B. The forum shall be limited in the manner provided for in
10 this Article.

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

- 14 1. Student council officers;
- 15 2. Class officers of the highest grade level in the school; and
- 16 3. Captains of the football team, and other students holding
17 positions of honor as the school district may designate.

18 D. Eligible students shall be notified of their eligibility,
19 and a student who wishes to participate as an introducing speaker
20 shall submit their name to the student council or other designated
21 body during an announced period of not less than three (3) days.
22 The announced period may be at the beginning of the school year, at
23 the end of the preceding school year so student speakers are in
24 place for the new year, or, if the selection process will be

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

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

1 may not discriminate against the student based on a religious
2 viewpoint expressed by the student on an otherwise permissible
3 subject.

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

13 G. Certain students who have attained special positions of
14 honor in the school have traditionally addressed school audiences
15 from time to time as a tangential component of their achieved
16 positions of honor, such as the captains of various sports teams,
17 student council officers, class officers, homecoming kings and
18 queens, prom kings and queens, and the like, and have attained their
19 positions based on neutral criteria. Nothing in this policy
20 eliminates the continuation of the practice of having these
21 students, irrespective of grade level, address school audiences in
22 the normal course of their respective positions. The school
23 district shall create a limited public forum for the speakers and
24 shall treat the voluntary expression by a student of a religious

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

7 ARTICLE III. STUDENT SPEAKERS AT GRADUATION CEREMONIES

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

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

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

- 18 1. Student council officers;
- 19 2. Class officers of the graduating class; and
- 20 3. The top three academically ranked graduates, or a shorter or
21 longer list of student leaders as the school district may designate.

22 D. A student who will otherwise have a speaking role in the
23 graduation ceremonies is ineligible to give the opening and closing
24 remarks. The names of the eligible volunteering students will be

1 randomly drawn. The first name drawn will give the opening and the
2 second name drawn will give the closing.

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

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

22 G. The subject shall be designated for each student speaker,
23 the student shall stay on the subject, and the student shall not
24 engage in obscene, vulgar, offensively lewd, or indecent speech.

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

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

20 ARTICLE IV. RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

21 Students may express their beliefs about religion in homework,
22 artwork, and other written and oral assignments free from
23 discrimination based on the religious content of the submission by
24 the student. Homework and classroom work shall be judged by

1 ordinary academic standards of substance and relevance and against
2 other legitimate pedagogical concerns identified by the school.
3 Students shall not be penalized or rewarded on account of religious
4 content. If the assignment given by a teacher involves writing a
5 poem, the work of a student who submits a poem in the form of a
6 prayer (for example, a psalm) should be judged on the basis of
7 academic standards, including literary quality, and not penalized or
8 rewarded on account of its religious content.

9 ARTICLE V. FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

10 Students may organize prayer groups, religious clubs, "see you
11 at the pole" gatherings, and other religious gatherings before,
12 during, and after school to the same extent that students are
13 permitted to organize other noncurricular student activities and
14 groups. Religious groups shall be given the same access to school
15 facilities for assembling as is given to other noncurricular groups,
16 without discrimination based on the religious content of the
17 expression of the group. If student groups that meet for
18 nonreligious activities are permitted to advertise or announce the
19 group meetings, for example, by advertising in a student newspaper,
20 putting up posters, making announcements on a student activities
21 bulletin board or public address system, or handing out leaflets,
22 school authorities shall not discriminate against groups that meet
23 for prayer or other religious speech. School authorities may
24 disclaim sponsorship of noncurricular groups and events, provided

1 they administer the disclaimer in a manner that does not favor or
2 disfavor groups that meet to engage in prayer or other religious
3 speech.

4 SECTION 8. This act shall become effective July 1, 2009.

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

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