

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1940

By: Bennett

COMMITTEE SUBSTITUTE

An Act relating to schools; creating the Religious Viewpoints Antidiscrimination Act; requiring school districts to treat student expression in certain manner; stating purpose; requiring school districts to adopt a limited public forum policy; specifying contents of the policy; requiring certain disclaimer to be provided at graduation ceremonies and other 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; requiring a limited public forum; listing events; listing eligible student speakers; providing for notification and selection of student speakers; specifying subject of the speech of the student; requiring a disclaimer; allowing certain students with special positions to be speakers; providing for student speakers at graduation ceremonies; providing for the establishment of a limited public forum at graduation ceremonies; specifying students eligible to speak; providing for

1 topic of speech; allowing certain students with
2 special positions to be speakers; providing for
3 designation of the subject; requiring a written
4 disclaimer; providing for religious expression in
5 class assignments; requiring homework and classroom
6 work to be judged on certain standard; providing for
7 the freedom to organize religious groups and
8 activities; specifying treatment of religious groups;
9 allowing school districts to disclaim sponsorship of
10 groups and events; providing for codification;
11 providing an effective date; and declaring an
12 emergency.

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

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

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

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

 A school district shall treat the voluntary expression of a
student of a religious viewpoint, if any, on an otherwise
permissible subject in the same manner the district treats the
voluntary expression by a student of a secular or other viewpoint on
an otherwise permissible subject and may not discriminate against
the student based on a religious viewpoint, if any, expressed by the
student 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 the school district does not discriminate
5 against a publicly stated voluntary expression of a religious
6 viewpoint by a student, 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, a school district shall adopt a policy, which shall include the
10 establishment of a limited public forum for student speakers at all
11 school events at which a student is to publicly speak. The policy
12 regarding the limited public forum shall also require the school
13 district to:

14 1. Provide the forum in a manner that does not discriminate
15 against the voluntary expression of a religious viewpoint by a
16 student, 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 speech, vulgar speech, offensively lewd speech, indecent speech or
22 speech that promotes 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 school district of the speech of the student.

10 C. Student expression on an otherwise permissible subject may
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, during
6 and after school to the same extent that students are permitted to
7 organize other noncurricular student activities and groups.

8 Religious groups shall be given the same access to school facilities
9 for assembling as is given to other noncurricular groups without
10 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 the
22 model policy. If a school district voluntarily adopts and follows
23 the model policy governing voluntary religious expression in public
24 schools as provided by Section 7 of this act, the district shall be

1 in compliance with the provisions of the Religious Viewpoints
2 Antidiscrimination Act covered by the model policy.

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

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

11 ARTICLE I. STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

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

19 ARTICLE II. STUDENT SPEAKERS AT NONGRADUATION EVENTS

20 A. The state and its school districts believe there are
21 numerous education benefits that students gain from public speaking.
22 The school district hereby creates a limited public forum for
23 student speakers at all school events at which a student is to
24 publicly speak, as designated below. For each speaker, the district

1 shall set a maximum time limit reasonable and appropriate to the
2 occasion. Student speakers shall introduce:

3 1. Varsity football games played within the school district as
4 well as those, if any, played at state and regional play-offs;

5 2. Opening announcements and greetings for the school day; and

6 3. Any additional school functions as designated by the school
7 district, which may include, without limitation, assemblies, pep
8 rallies, school programs open to the public and other athletic
9 events in addition to football games.

10 B. The forum shall be limited in the manner provided by this
11 article.

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

15 1. President of the student council;

16 2. Class President of the senior class, or if the school does
17 not have a senior class, then the class president of the highest
18 grade level of the school; and

19 3. The captain or captains of the varsity football team.

20 D. The school district may, in its discretion, add to this list
21 other students who are presidents of specific school organizations
22 as the school district may designate. No student shall be compelled
23 to accept a speaking position.

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

20 F. The subject of the student introductions shall be related to
21 the purpose of the event and to the purpose of marking the opening
22 of the event; honoring the occasion, the participants and those in
23 attendance; bringing the audience to order; and focusing the
24 audience on the purpose of the event. The subject shall be

1 designated; a student shall stay on the subject and the student may
2 not engage in obscene speech, vulgar speech, offensively lewd
3 speech, indecent speech or speech that promotes illegal drug use.
4 The school district shall treat the voluntary expression of a
5 religious viewpoint by the student, if any, on an otherwise
6 permissible subject in the same manner the district treats the
7 voluntary expression of a secular or other viewpoint by a student on
8 an otherwise permissible subject and may not discriminate against
9 the student based on a religious viewpoint expressed by the student
10 on an otherwise permissible subject.

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

20 H. Certain students who have attained special positions of
21 honor in the school have traditionally addressed school audiences
22 from time to time as a tangential component of their achieved
23 positions of honor, such as the captains of various sports teams,
24 student council officers, class officers, homecoming kings and

1 queens, prom kings and queens, and the like, and have attained their
2 positions based on neutral criteria. Nothing in this policy
3 eliminates the continuation of the practice of having these
4 students, irrespective of grade level, address school audiences in
5 the normal course of their respective positions. Similarly, certain
6 students who have attained special positions of honor within a
7 school club or organization have addressed their members and guests
8 at meetings, banquets and other events from time to time as a
9 tangential component of their achieved position of honor within
10 their school club or organization. Nothing in this policy
11 eliminates the continuation of the practice of having those
12 students, irrespective of grade level, address those audiences in
13 the normal course of their respective positions at such school club
14 or organizational meetings, banquets and events. The eligible
15 speakers and selection process stated at the beginning of this
16 policy will not apply to such meetings, banquets and events of such
17 school clubs and organizations. The school district shall create a
18 limited public forum for the speakers and shall treat the voluntary
19 expression of a religious viewpoint by a student, if any, on an
20 otherwise permissible subject in the same manner the district treats
21 the voluntary expression of a secular or other viewpoint by a
22 student on an otherwise permissible subject and may not discriminate
23 against the student based on a religious viewpoint, if any,
24 expressed by the student on an otherwise permissible subject.

1 ARTICLE III. STUDENT SPEAKERS AT GRADUATION CEREMONIES

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

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

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

12 1. President of the student council; and

13 2. Class President of the senior class, or if the school does
14 not have a senior class, the class president of the highest grade
15 level of the school.

16 D. The school district may, in its discretion, add to this list
17 other students who are officers of the student council or class
18 officers of the senior class, or if the school does not have a
19 senior class, the class officers of the highest grade level of the
20 school. A student who will otherwise have a speaking role in the
21 graduation ceremonies is ineligible to give the opening and closing.
22 The names of the eligible volunteering students will be randomly
23 drawn. The first name drawn will give the opening and the second
24 name drawn will give the closing.

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

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

20 G. The subject shall be designated for each student speaker.
21 The student shall stay on the subject and the student may not engage
22 in obscene speech, vulgar speech, offensively lewd speech, indecent
23 speech, or speech that promotes illegal drug use. The school
24 district shall treat the voluntary expression of a religious

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

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

19 ARTICLE IV. RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

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

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

8 ARTICLE V. FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

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

1 favor or disfavor groups that meet to engage in prayer or other
2 religious speech.

3 SECTION 8. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 27-108 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 The Attorney General of the State of Oklahoma shall have the
7 authority to enforce the provisions of the Religious Viewpoints
8 Antidiscrimination Act and to seek all remedies provided by law.
9 Additionally, a person injured by a violation of the act may bring a
10 cause of action for civil relief against a governmental entity or a
11 person, including an employee, servant or agent of a governmental
12 entity, who violates the act. Remedies available in a civil suit
13 include equitable relief and compensatory damages. A plaintiff who
14 prevails in a cause of action under this section is entitled to
15 costs, including reasonable attorney fees.

16 SECTION 9. This act shall become effective July 1, 2013.

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

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