

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 21, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Allen

Allen-EB-FS-Req#3231  
3/8/2016 4:49 PM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 21

6 By: Allen of the Senate

7 and

8 Bennett, Fisher, Kern,  
9 Russ, Ritze, Park and Coody  
10 (Jeff) of the House

11 FLOOR SUBSTITUTE

12 [ schools - Religious Viewpoints Antidiscrimination  
13 Act - Model Religious Viewpoints Antidiscrimination  
14 Policy - enforcement of act - codification -  
15 ~~effective date--~~

16 ~~emergency ]~~

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

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 27-201 of Title 70, unless there  
20 is created a duplication in numbering, reads as follows:

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

23 SECTION 2. NEW LAW A new section of law to be codified  
24 in the Oklahoma Statutes as Section 27-202 of Title 70, unless there  
is created a duplication in numbering, reads as follows:

1 A school district may treat the voluntary expression of 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 may not discriminate against  
6 the student based on a religious viewpoint, if any, expressed by the  
7 student on an otherwise permissible subject.

8 SECTION 3. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 27-203 of Title 70, unless there  
10 is created a duplication in numbering, reads as follows:

11 A. To ensure that the school district does not discriminate  
12 against a publicly stated voluntary expression of a religious  
13 viewpoint by a student, if any, and to eliminate any actual or  
14 perceived affirmative school sponsorship or attribution to the  
15 district of the expression of a religious viewpoint by a student, if  
16 any, a school district may adopt a policy, which may include the  
17 establishment of a limited public forum for student speakers at all  
18 school events at which a student is to publicly speak. The policy  
19 regarding the limited public forum may also require the school  
20 district to:

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

24

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

4        3. Ensure that a student speaker does not engage in obscene  
5 speech, vulgar speech, offensively lewd speech, indecent speech or  
6 speech that promotes illegal drug use; and

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

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

16       C. Student expression on an otherwise permissible subject may  
17 not be excluded from the limited public forum because the subject is  
18 expressed from a religious viewpoint.

19       SECTION 4.        NEW LAW        A new section of law to be codified  
20 in the Oklahoma Statutes as Section 27-204 of Title 70, unless there  
21 is created a duplication in numbering, reads as follows:

22        Students may express their beliefs about religion in homework,  
23 artwork, and other written and oral assignments free from  
24 discrimination based on the religious content of their submissions.

1 Homework and classroom assignments may be judged by ordinary  
2 academic standards of substance and relevance and against other  
3 legitimate pedagogical concerns identified by the school district.  
4 Students may not be penalized or rewarded on account of the  
5 religious content of their work.

6 SECTION 5. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 27-205 of Title 70, unless there  
8 is created a duplication in numbering, reads as follows:

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

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1 SECTION 6. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 27-206 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

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

10 SECTION 7. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 27-207 of Title 70, unless there  
12 is created a duplication in numbering, reads as follows:

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

18 ARTICLE I. STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

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

1 the student based on a religious viewpoint, if any, expressed by the  
2 student on an otherwise permissible subject.

3 ARTICLE II. STUDENT SPEAKERS AT NONGRADUATION EVENTS

4 A. The state and its school districts believe there are  
5 numerous education benefits that students gain from public speaking.  
6 The school district hereby creates a limited public forum for  
7 student speakers at all school events at which a student is to  
8 publicly speak, as designated herein. For each speaker, the  
9 district shall set a maximum time limit reasonable and appropriate  
10 to the occasion. Student speakers shall introduce:

- 11 1. Varsity football games played within the school district as  
12 well as those, if any, played at state and regional play-offs;
- 13 2. Opening announcements and greetings for the school day; and
- 14 3. Any additional school functions as designated by the school  
15 district, which may include, without limitation, assemblies, pep  
16 rallies, school programs open to the public and other athletic  
17 events in addition to football games.

18 B. The forum shall be limited in the manner provided by this  
19 article.

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

- 23 1. President of the student council;

24

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

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

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

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

1 district. The list of student speakers shall be chronologically  
2 repeated as needed, in the same order. The district may repeat the  
3 selection process each semester rather than once a year.

4 F. The subject of the student introductions shall be related to  
5 the purpose of the event and to the purpose of marking the opening  
6 of the event; honoring the occasion, the participants and those in  
7 attendance; bringing the audience to order; and focusing the  
8 audience on the purpose of the event. The subject shall be  
9 designated; a student shall stay on the subject and the student may  
10 not engage in obscene speech, vulgar speech, offensively lewd  
11 speech, indecent speech or speech that promotes illegal drug use.  
12 The school district shall treat the voluntary expression of a  
13 religious viewpoint by the student, if any, on an otherwise  
14 permissible subject in the same manner the district treats the  
15 voluntary expression of a secular or other viewpoint by a student on  
16 an otherwise permissible subject and may not discriminate against  
17 the student based on a religious viewpoint expressed by the student  
18 on an otherwise permissible subject.

19 G. For as long as there is a need to dispel confusion over the  
20 nonsponsorship of the speech of a student at each event in which a  
21 student will deliver an introduction, a disclaimer shall be stated  
22 in written or oral form, or both, such as "The student giving the  
23 introduction for this event is a volunteering student selected on  
24 neutral criteria to introduce the event. The content of the

1 introduction is the private expression of the student and does not  
2 reflect the endorsement, sponsorship, position or expression of the  
3 school district."

4 H. Certain students who have attained special positions of  
5 honor in the school have traditionally addressed school audiences  
6 from time to time as a tangential component of their achieved  
7 positions of honor, such as the captains of various sports teams,  
8 student council officers, class officers, homecoming kings and  
9 queens, prom kings and queens and the like, and have attained their  
10 positions based on neutral criteria. Nothing in this policy  
11 eliminates the continuation of the practice of having these  
12 students, irrespective of grade level, address school audiences in  
13 the normal course of their respective positions. Similarly, certain  
14 students who have attained special positions of honor within a  
15 school club or organization have addressed their members and guests  
16 at meetings, banquets and other events from time to time as a  
17 tangential component of their achieved position of honor within  
18 their school club or organization. Nothing in this policy  
19 eliminates the continuation of the practice of having those  
20 students, irrespective of grade level, address those audiences in  
21 the normal course of their respective positions at such school club  
22 or organizational meetings, banquets and events. The eligible  
23 speakers and selection process stated at the beginning of this  
24 policy will not apply to such meetings, banquets and events of such

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

9 ARTICLE III. STUDENT SPEAKERS AT GRADUATION CEREMONIES

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

15 B. The forum shall be limited in the manner provided by this  
16 article.

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

- 20 1. President of the student council; and
- 21 2. Class President of the senior class, or if the school does  
22 not have a senior class, the class president of the highest grade  
23 level of the school.

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1 D. The school district may, in its discretion, add to this list  
2 other students who are officers of the student council or class  
3 officers of the senior class, or if the school does not have a  
4 senior class, the class officers of the highest grade level of the  
5 school. A student who will otherwise have a speaking role in the  
6 graduation ceremonies is ineligible to give the opening and closing.  
7 The names of the eligible volunteering students will be randomly  
8 drawn. The first name drawn will give the opening and the second  
9 name drawn will give the closing.

10 E. The topic of the opening and closing remarks shall be  
11 related to the purpose of the graduation ceremony and to the purpose  
12 of marking the opening and closing of the event; honoring the  
13 occasion, the participants and those in attendance; bringing the  
14 audience to order; and focusing the audience on the purpose of the  
15 event.

16 F. In addition to the students giving the opening and closing  
17 remarks, certain other students who have attained special positions  
18 of honor based on neutral criteria, including, without limitation,  
19 the valedictorian, will have speaking roles at graduation  
20 ceremonies. For each speaker, the school district shall set a  
21 maximum time limit reasonable and appropriate to the occasion and to  
22 the position held by the speaker. For this purpose, the district  
23 creates a limited public forum for these students to deliver the  
24 addresses. The subject of the addresses shall be related to the

1 purpose of the graduation ceremony; marking and honoring the  
2 occasion; honoring the participants and those in attendance; and the  
3 perspective of the student on purpose, achievement, life, school,  
4 graduation and looking forward to the future.

5 G. The subject shall be designated for each student speaker.  
6 The student shall stay on the subject and the student may not engage  
7 in obscene speech, vulgar speech, offensively lewd speech, indecent  
8 speech, or speech that promotes illegal drug use. The school  
9 district shall treat the voluntary expression of a religious  
10 viewpoint of a student, if any, on an otherwise permissible subject  
11 in the same manner the district treats the voluntary expression of a  
12 secular or other viewpoint by a student on an otherwise permissible  
13 subject and may not discriminate against the student based on a  
14 religious viewpoint, if any, expressed by the student on an  
15 otherwise permissible subject.

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

1 student volunteers, and the district refrained from any interaction  
2 with student speakers regarding the viewpoints of the student  
3 speakers on permissible subjects."

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

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

#### 17 ARTICLE V. FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

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

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

12 SECTION 8. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 27-208 of Title 70, unless there  
14 is created a duplication in numbering, reads as follows:

15 The Attorney General of the State of Oklahoma may have the  
16 authority to enforce the provisions of the Religious Viewpoints  
17 Antidiscrimination Act and to seek all remedies provided by law.  
18 Additionally, a person injured by a violation of the act may bring a  
19 cause of action for civil relief against a governmental entity or a  
20 person, including an employee, servant or agent of a governmental  
21 entity, who violates the act. Remedies available in a civil suit  
22 include equitable relief and compensatory damages. A plaintiff who  
23 prevails in a cause of action under this section may be entitled to  
24 costs, including reasonable attorney fees.

1       ~~SECTION 9. This act shall become effective July 1, 2015.~~

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

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7       55-2-3231       EB       3/8/2016 4:49:16 PM

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