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February 21, 2017

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 450

By: Allen of the Senate

and

Bennett (John) of the House

An Act relating to schools; creating the Religious Viewpoints Antidiscrimination Act; providing short title; 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 Policy of the Religious Viewpoints Antidiscrimination Act; 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 topic of speech; allowing certain students with special positions to be speakers; providing for designation of the subject; requiring a written disclaimer; 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 enforcement of act; providing for certain relief for violation of act; providing for codification; providing an effective date; and declaring an emergency.

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 27-201 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 27-202 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

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

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

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

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

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

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

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 27-204 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 27-205 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 and 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
11 students' or groups' expression. If student groups that meet for
12 nonreligious activities are permitted to advertise or announce
13 meetings of the groups, the school district shall not discriminate
14 against groups that meet for prayer or other religious speech.
15 School authorities may disclaim sponsorship of noncurricular groups
16 and events, provided they administer such disclaimer in a manner
17 that neither favors nor disfavors groups that meet to engage in
18 prayer or other religious speech.

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

22 Each school district in the state shall adopt and implement the
23 Model Policy established in Section 7 of this act. If a school
24 district 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 and deemed to be in
3 compliance with the provisions of the Religious Viewpoints
4 Antidiscrimination Act covered by the Model Policy.

5 SECTION 7. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 27-207 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 Policy of
9 the Religious Viewpoints Antidiscrimination Act. As used in the
10 Religious Viewpoints Antidiscrimination Act, "Model Policy" means a
11 local policy adopted by a school district that is substantially
12 identical to the following:

13 ARTICLE I. STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

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

21 ARTICLE II. STUDENT SPEAKERS AT NONGRADUATION EVENTS

22 A. The state and its school districts believe there are
23 numerous education benefits that students gain from public speaking.
24 The school district hereby creates a limited public forum for

1 student speakers at all school events at which a student is to
2 publicly speak, as designated herein. For each speaker, the
3 district shall set a maximum time limit reasonable and appropriate
4 to the occasion. Student speakers shall introduce:

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

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

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

12 B. The forum shall be limited in the manner provided by this
13 article.

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

17 1. President of the student council;

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

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

22 D. The school district may, in its discretion, add to this list
23 other students who are presidents of specific school organizations
24

1 as the school district may designate. No student shall be compelled
2 to accept a speaking position.

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

22 F. The subject of the student introductions shall be related to
23 the purpose of the event and to the purpose of marking the opening
24 of the event; honoring the occasion, the participants and those in

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

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

22 H. Certain students who have attained special positions of
23 honor in the school have traditionally addressed school audiences
24 from time to time as a tangential component of their achieved

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

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

3 ARTICLE III. STUDENT SPEAKERS AT GRADUATION CEREMONIES

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

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

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

14 1. President of the student council; and

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

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

1 drawn. The first name drawn will give the opening and the second
2 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, will 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 may not engage
24 in obscene speech, vulgar speech, offensively lewd speech, indecent

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

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

21 ARTICLE IV. RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

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 shall 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 religious
5 content. If the assignment of a teacher involves writing a poem,
6 the work of a student who submits a poem in the form of a prayer,
7 for example a psalm, should be judged on the basis of academic
8 standards, including literary quality, and not penalized or rewarded
9 on account of the religious content of their work.

10 ARTICLE V. FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

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

1 may disclaim sponsorship of noncurricular groups and events,
2 provided they administer the disclaimer in a manner that neither
3 favors nor disfavor groups that meet to engage in prayer or other
4 religious speech.

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

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

18 SECTION 9. This act shall become effective July 1, 2017.

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

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
24 February 21, 2017 - DO PASS AS AMENDED