
By: **Delegates Owings and O'Donnell**
Introduced and read first time: February 11, 2000
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Schools - Authorized Practices**

3 FOR the purpose of authorizing certain voluntary, student-delivered messages and
4 prayers during certain school-sponsored events; prohibiting discrimination
5 against a student on the basis of the content of a certain message or prayer that
6 the student intends to deliver or does deliver; providing for the adoption of
7 regulations relating to voluntary student-delivered messages and prayers;
8 providing for the distribution of model regulations relating to voluntary
9 student-delivered messages and prayers; providing for certain legal
10 representation for certain county boards of education in legal matters relating to
11 voluntary student-delivered messages and prayers; providing for
12 reimbursement of certain monetary awards to certain county boards of
13 education; and generally relating to certain authorized practices in certain
14 schools.

15 BY adding to
16 Article - Education
17 Section 7-113
18 Annotated Code of Maryland
19 (1999 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Education**

23 7-113.

24 (A) ON PUBLIC SCHOOL PROPERTY OR OTHER PROPERTY BEING UTILIZED
25 FOR A SCHOOL-SPONSORED EVENT, STUDENT-DELIVERED, VOLUNTARY MESSAGES
26 OR PRAYERS SHALL BE PERMITTED DURING GRADUATION OR COMMENCEMENT
27 CEREMONIES OR OTHER SCHOOL-SPONSORED EVENTS WITHIN THE CONTEXT OF
28 THE EVENT.

1 (B) THE CONTENT OF ANY MESSAGE OR PRAYER AUTHORIZED BY THIS
2 SECTION SHALL BE DETERMINED SOLELY BY THE STUDENT DELIVERING THE
3 MESSAGE.

4 (C) A COUNTY BOARD, TEACHER, OR OTHER PUBLIC SCHOOL EMPLOYEE MAY
5 NOT EXCLUDE, INCLUDE, OR OTHERWISE DISCRIMINATE FOR OR AGAINST ANY
6 STUDENT ON THE BASIS OF THE POLITICAL, PHILOSOPHICAL, RELIGIOUS, OR OTHER
7 CONTENT OF A MESSAGE OR PRAYER THAT THE STUDENT INTENDS TO DELIVER OR
8 DOES DELIVER.

9 (D) A COUNTY BOARD SHALL ENSURE THAT THE DELIVERY OF ANY MESSAGE
10 OR PRAYER AUTHORIZED BY THIS SECTION OCCURS IN A MANNER THAT DOES NOT
11 SUBSTANTIALLY INTERFERE WITH THE ORDERLY CONDUCT OF A CEREMONY.

12 (E) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF A
13 COUNTY BOARD, TEACHER, OR OTHER PUBLIC SCHOOL EMPLOYEE TO MAINTAIN
14 ORDER AND DISCIPLINE ON SCHOOL PROPERTY OR AT SCHOOL-SPONSORED EVENTS,
15 TO PROTECT THE WELL-BEING OF STUDENTS AND SCHOOL EMPLOYEES, AND TO
16 ENSURE THAT THE CONTENT OF STUDENT-DELIVERED VOLUNTARY MESSAGES AND
17 PRAYERS IS CONSISTENT WITH COMMUNITY STANDARDS AND IS APPROPRIATE FOR
18 THE EVENT.

19 (F) (1) EACH COUNTY BOARD SHALL ADOPT REGULATIONS FOR THE
20 IMPLEMENTATION OF THIS SECTION WITHIN ITS PUBLIC SCHOOLS.

21 (2) THE DEPARTMENT SHALL PROVIDE EACH COUNTY BOARD WITH
22 MODEL REGULATIONS WHICH, IF ADOPTED, SHALL ENSURE THAT THIS SECTION IS
23 IMPLEMENTED IN A MANNER THAT IS CONSISTENT WITH FEDERAL AND STATE LAW.

24 (3) IN THE EVENT THAT A COUNTY BOARD IS SUED AS A RESULT OF
25 ACTIVITY RELATED TO THIS SECTION, THE COUNTY BOARD IS ENTITLED TO LEGAL
26 REPRESENTATION BY THE ATTORNEY GENERAL:

27 (I) UPON REQUEST; AND

28 (II) PROVIDED THE COUNTY BOARD HAS COMPLIED WITH THE
29 MODEL REGULATIONS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

30 (4) IF A COUNTY BOARD COMPLIES WITH THE REGULATIONS IT ADOPTS
31 UNDER THIS SUBSECTION, THE STATE SHALL REIMBURSE THE COUNTY BOARD FOR
32 ANY MONETARY AWARD RELATED TO ITS COMPLIANCE WITH THIS SECTION.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 June 1, 2000.