

HOUSE BILL 936

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9lr1551
CF 9lr3099

By: **Delegates Serafini, Bartlett, Bates, Beitzel, Boteler, Costa, Donoghue, Dwyer, Eckardt, George, Haddaway, Kelly, Kipke, Krebs, Miller, Myers, Norman, O'Donnell, Schuh, Shank, Shewell, Stukes, Stull, Walker, and Weldon**

Introduced and read first time: February 12, 2009

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public Schools – Student Speech on Religious Issues**

3 FOR the purpose of requiring each county board to treat a student's voluntary
4 expression of a religious viewpoint in the same manner the board treats
5 expression of a secular viewpoint; prohibiting a county board from
6 discriminating against a student based on a religious viewpoint; requiring each
7 county board to adopt a policy establishing a limited public forum for student
8 speakers; providing certain requirements for the policy; requiring a certain
9 disclaimer required by this Act to be provided under certain circumstances;
10 prohibiting student expression from being excluded from the limited public
11 forum because it is expressed from a religious viewpoint; allowing students to
12 express religious beliefs in written and oral school assignments; prohibiting a
13 student from being penalized or rewarded on account of the religious content of
14 the student's school assignments; requiring a student's school assignment to be
15 judged by certain standards; allowing students to organize certain religious
16 gatherings to the same extent that other noncurricular student groups are
17 allowed; requiring religious groups be given the same access to school facilities
18 as is given to other noncurricular groups; requiring religious groups to be
19 allowed to advertise or announce meetings to the same extent that secular
20 groups are allowed to advertise or announce meetings; authorizing a school or
21 county board to disclaim school sponsorship of noncurricular groups and events
22 in a manner that neither favors nor disfavors groups that meet to engage in
23 religious activity; authorizing the Attorney General to bring a certain action to
24 enforce the requirements of this Act; providing the text of a certain model
25 policy; defining a certain term; and generally relating to religious expression in
26 public schools.

27 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Education
2 Section 7–104.1 and 7–104.2
3 Annotated Code of Maryland
4 (2008 Replacement Volume)

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

7 **Article – Education**

8 **7–104.1.**

9 (A) (1) EACH COUNTY BOARD SHALL TREAT A STUDENT’S
10 VOLUNTARY EXPRESSION OF A RELIGIOUS VIEWPOINT, IF ANY, ON AN
11 OTHERWISE PERMISSIBLE SUBJECT IN THE SAME MANNER THE BOARD TREATS
12 A STUDENT’S VOLUNTARY EXPRESSION OF A SECULAR OR OTHER VIEWPOINT ON
13 AN OTHERWISE PERMISSIBLE SUBJECT.

14 (2) A COUNTY BOARD MAY NOT DISCRIMINATE AGAINST A
15 STUDENT BASED ON A RELIGIOUS VIEWPOINT, IF ANY, EXPRESSED BY THE
16 STUDENT ON AN OTHERWISE PERMISSIBLE SUBJECT.

17 (B) (1) EACH COUNTY BOARD SHALL ADOPT A POLICY THAT
18 INCLUDES THE ESTABLISHMENT OF A LIMITED PUBLIC FORUM FOR STUDENT
19 SPEAKERS AT ALL SCHOOL EVENTS AT WHICH A STUDENT IS TO SPEAK
20 PUBLICLY.

21 (2) THE POLICY ESTABLISHED IN ACCORDANCE WITH
22 PARAGRAPH (1) OF THIS SUBSECTION SHALL:

23 (I) PROVIDE THE FORUM IN A MANNER THAT DOES NOT
24 DISCRIMINATE AGAINST A STUDENT’S VOLUNTARY EXPRESSION OF A RELIGIOUS
25 VIEWPOINT, IF ANY, ON AN OTHERWISE PERMISSIBLE SUBJECT;

26 (II) ESTABLISH A METHOD, BASED ON NEUTRAL CRITERIA,
27 FOR THE SELECTION OF STUDENT SPEAKERS AT SCHOOL EVENTS AND
28 GRADUATION CEREMONIES;

29 (III) ENSURE THAT A STUDENT SPEAKER DOES NOT ENGAGE
30 IN OBSCENE, VULGAR, OFFENSIVELY LEWD, OR INDECENT SPEECH OR SPEECH
31 THAT PROMOTES ILLEGAL DRUG USE; AND

32 (IV) STATE, IN WRITING, ORALLY, OR BOTH, THAT THE
33 STUDENT’S SPEECH DOES NOT REFLECT THE ENDORSEMENT, SPONSORSHIP,
34 POSITION, OR EXPRESSION OF THE DISTRICT.

1 **(3) THE DISCLAIMER REQUIRED UNDER PARAGRAPH (2) OF THIS**
2 **SUBSECTION SHALL BE PROVIDED:**

3 **(I) AT ALL GRADUATION CEREMONIES; AND**

4 **(II) AT ANY OTHER EVENT IN WHICH A STUDENT SPEAKS**
5 **PUBLICLY, FOR AS LONG AS A NEED EXISTS TO DISPEL CONFUSION OVER THE**
6 **DISTRICT'S NONSPONSORSHIP OF THE STUDENT'S SPEECH.**

7 **(4) STUDENT EXPRESSION ON AN OTHERWISE PERMISSIBLE**
8 **SUBJECT MAY NOT BE EXCLUDED FROM THE LIMITED PUBLIC FORUM BECAUSE**
9 **THE SUBJECT IS EXPRESSED FROM A RELIGIOUS VIEWPOINT.**

10 **(5) (I) A COUNTY BOARD SHALL ADOPT AND FOLLOW THE**
11 **MODEL POLICY GOVERNING RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS AS**
12 **PROVIDED IN § 7-104.2 OF THIS SUBTITLE.**

13 **(II) WHEN THE BOARD ADOPTS THE MODEL POLICY, THE**
14 **BOARD IS IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.**

15 **(C) (1) A STUDENT MAY EXPRESS THE STUDENT'S BELIEFS ABOUT**
16 **RELIGION IN HOMEWORK, ARTWORK, AND OTHER WRITTEN AND ORAL SCHOOL**
17 **ASSIGNMENTS FREE FROM DISCRIMINATION BASED ON THE RELIGIOUS**
18 **CONTENT OF THE STUDENT'S SUBMISSIONS.**

19 **(2) A STUDENT MAY NOT BE PENALIZED OR REWARDED ON**
20 **ACCOUNT OF THE RELIGIOUS CONTENT OF THE STUDENT'S SCHOOL**
21 **ASSIGNMENTS.**

22 **(3) A STUDENT'S SCHOOL ASSIGNMENT SHALL BE JUDGED BY**
23 **ORDINARY ACADEMIC STANDARDS OF SUBSTANCE AND RELEVANCE AND**
24 **AGAINST OTHER LEGITIMATE PEDAGOGICAL CONCERNS IDENTIFIED BY THE**
25 **COUNTY BOARD.**

26 **(D) (1) STUDENTS MAY ORGANIZE PRAYER GROUPS, RELIGIOUS**
27 **CLUBS, "SEE YOU AT THE POLE" GATHERINGS, OR OTHER RELIGIOUS**
28 **GATHERINGS BEFORE, DURING, AND AFTER SCHOOL HOURS TO THE SAME**
29 **EXTENT THAT STUDENTS ARE PERMITTED TO ORGANIZE OTHER**
30 **NONCURRICULAR STUDENT ACTIVITIES AND GROUPS.**

31 **(2) RELIGIOUS GROUPS SHALL BE GIVEN THE SAME ACCESS TO**
32 **SCHOOL FACILITIES FOR ASSEMBLING AS IS GIVEN TO OTHER NONCURRICULAR**

1 **GROUPS WITHOUT DISCRIMINATION BASED ON THE RELIGIOUS CONTENT OF**
2 **THE STUDENTS' EXPRESSION.**

3 **(3) RELIGIOUS GROUPS SHALL BE ALLOWED TO ADVERTISE OR**
4 **ANNOUNCE MEETINGS TO THE SAME EXTENT THAT STUDENT GROUPS THAT**
5 **MEET FOR SECULAR ACTIVITIES ARE ALLOWED TO ADVERTISE OR ANNOUNCE**
6 **MEETINGS OF THE GROUPS.**

7 **(4) A SCHOOL OR COUNTY BOARD MAY DISCLAIM SCHOOL**
8 **SPONSORSHIP OF NONCURRICULAR GROUPS AND EVENTS IN A MANNER THAT**
9 **NEITHER FAVORS NOR DISFAVORS GROUPS THAT MEET TO ENGAGE IN PRAYER**
10 **OR RELIGIOUS SPEECH.**

11 **(E) THE ATTORNEY GENERAL MAY BRING AN ACTION AGAINST A**
12 **COUNTY BOARD FOR A VIOLATION OF THIS SECTION AND SEEK ANY REMEDY**
13 **PROVIDED BY LAW.**

14 **7-104.2.**

15 **(A) FOR THE PURPOSES OF THIS SECTION, "MODEL POLICY" MEANS A**
16 **LOCAL POLICY ADOPTED BY THE COUNTY BOARD THAT IS SUBSTANTIALLY**
17 **IDENTICAL TO THE TEXT OF SUBSECTION (B) OF THIS SECTION.**

18 **(B) SET FORTH BELOW IS THE MODEL POLICY ON RELIGIOUS**
19 **EXPRESSION IN PUBLIC SCHOOLS:**

20 **ARTICLE I**

21 **STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS**

22 **THE COUNTY BOARD SHALL TREAT A STUDENT'S VOLUNTARY EXPRESSION**
23 **OF A RELIGIOUS VIEWPOINT, IF ANY, ON AN OTHERWISE PERMISSIBLE SUBJECT**
24 **IN THE SAME MANNER THE BOARD TREATS A STUDENT'S VOLUNTARY**
25 **EXPRESSION OF A SECULAR OR OTHER VIEWPOINT ON AN OTHERWISE**
26 **PERMISSIBLE SUBJECT AND MAY NOT DISCRIMINATE AGAINST THE STUDENT**
27 **BASED ON A RELIGIOUS VIEWPOINT, IF ANY, EXPRESSED BY THE STUDENT ON AN**
28 **OTHERWISE PERMISSIBLE SUBJECT.**

29 **ARTICLE II**

30 **STUDENT SPEAKERS AT NONGRADUATION EVENTS**

31 **THE COUNTY BOARD HEREBY CREATES A LIMITED PUBLIC FORUM FOR**
32 **STUDENT SPEAKERS AT ALL SCHOOL EVENTS AT WHICH A STUDENT IS TO SPEAK**

1 PUBLICLY, AS DESIGNATED BELOW. FOR EACH SPEAKER, THE BOARD SHALL SET
2 A MAXIMUM TIME LIMIT REASONABLE AND APPROPRIATE TO THE OCCASION.
3 STUDENT SPEAKERS SHALL INTRODUCE:

4 (1) ANY ATHLETIC EVENTS DESIGNATED BY THE BOARD;

5 (2) OPENING ANNOUNCEMENTS AND GREETINGS FOR THE
6 SCHOOL DAY; AND

7 (3) ANY ADDITIONAL EVENTS DESIGNATED BY THE BOARD,
8 WHICH MAY INCLUDE, WITHOUT LIMITATION, ASSEMBLIES, PEP RALLIES, AND
9 SCHOOL PROGRAMS OPEN TO THE PUBLIC.

10 THE FORUM SHALL BE LIMITED IN THE MANNER PROVIDED BY THIS
11 ARTICLE.

12 ONLY THOSE STUDENTS IN THE HIGHEST TWO GRADE LEVELS OF THE
13 SCHOOL AND WHO HOLD ONE OF THE FOLLOWING POSITIONS OF HONOR BASED
14 ON NEUTRAL CRITERIA ARE ELIGIBLE TO USE THE LIMITED PUBLIC FORUM:
15 STUDENT COUNCIL OFFICERS, CLASS OFFICERS OF THE HIGHEST GRADE LEVEL
16 IN THE SCHOOL, AND OTHER STUDENTS HOLDING POSITIONS OF HONOR AS THE
17 COUNTY BOARD MAY DESIGNATE.

18 AN ELIGIBLE STUDENT SHALL BE NOTIFIED OF THE STUDENT'S
19 ELIGIBILITY, AND A STUDENT WHO WISHES TO PARTICIPATE AS AN
20 INTRODUCING SPEAKER SHALL SUBMIT THE STUDENT'S NAME TO THE STUDENT
21 COUNCIL OR OTHER DESIGNATED BODY DURING AN ANNOUNCED PERIOD OF
22 NOT LESS THAN 3 DAYS. THE ANNOUNCED PERIOD MAY BE AT THE BEGINNING
23 OF THE SCHOOL YEAR, AT THE END OF THE PRECEDING SCHOOL YEAR SO
24 STUDENT SPEAKERS ARE IN PLACE FOR THE NEW YEAR, OR, IF THE SELECTION
25 PROCESS WILL BE REPEATED EACH SEMESTER, AT THE BEGINNING OF EACH
26 SEMESTER OR AT THE END OF THE PRECEDING SEMESTER SO SPEAKERS ARE IN
27 PLACE FOR THE NEXT SEMESTER. THE NAMES OF THE VOLUNTEERING STUDENT
28 SPEAKERS SHALL BE RANDOMLY DRAWN UNTIL ALL NAMES HAVE BEEN
29 SELECTED, AND THE NAMES SHALL BE LISTED IN THE ORDER DRAWN. EACH
30 SELECTED STUDENT WILL BE MATCHED CHRONOLOGICALLY TO THE EVENT FOR
31 WHICH THE STUDENT WILL BE GIVING THE INTRODUCTION. EACH STUDENT MAY
32 SPEAK FOR 1 WEEK AT A TIME FOR ALL INTRODUCTIONS OF EVENTS THAT
33 WEEK, OR ROTATE AFTER EACH SPEAKING EVENT, OR OTHERWISE AS
34 DETERMINED BY THE BOARD. THE LIST OF STUDENT SPEAKERS SHALL BE
35 REPEATED CHRONOLOGICALLY AS NEEDED, IN THE SAME ORDER. THE BOARD
36 MAY REPEAT THE SELECTION PROCESS EACH SEMESTER RATHER THAN ONCE A
37 YEAR.

1 **THE SUBJECT OF THE STUDENT INTRODUCTIONS MUST BE RELATED TO**
2 **THE PURPOSE OF THE EVENT AND TO THE PURPOSE OF MARKING THE OPENING**
3 **OF THE EVENT, HONORING THE OCCASION, THE PARTICIPANTS, AND THOSE IN**
4 **ATTENDANCE, BRINGING THE AUDIENCE TO ORDER, AND FOCUSING THE**
5 **AUDIENCE ON THE PURPOSE OF THE EVENT. THE SUBJECT MUST BE**
6 **DESIGNATED, A STUDENT MUST STAY ON THE SUBJECT, AND THE STUDENT MAY**
7 **NOT ENGAGE IN OBSCENE, VULGAR, OFFENSIVELY LEWD, OR INDECENT SPEECH**
8 **OR SPEECH THAT PROMOTES ILLEGAL DRUG USE. THE COUNTY BOARD SHALL**
9 **TREAT A STUDENT’S VOLUNTARY EXPRESSION OF A RELIGIOUS VIEWPOINT, IF**
10 **ANY, ON AN OTHERWISE PERMISSIBLE SUBJECT IN THE SAME MANNER THE**
11 **BOARD TREATS A STUDENT’S VOLUNTARY EXPRESSION OF A SECULAR OR**
12 **OTHER VIEWPOINT ON AN OTHERWISE PERMISSIBLE SUBJECT AND MAY NOT**
13 **DISCRIMINATE AGAINST THE STUDENT BASED ON A RELIGIOUS VIEWPOINT, IF**
14 **ANY, EXPRESSED BY THE STUDENT ON AN OTHERWISE PERMISSIBLE SUBJECT.**

15 **FOR AS LONG AS THERE IS A NEED TO DISPEL CONFUSION OVER THE**
16 **NONSPONSORSHIP OF THE STUDENT’S SPEECH, AT EACH EVENT IN WHICH A**
17 **STUDENT WILL DELIVER AN INTRODUCTION, A DISCLAIMER SHALL BE STATED**
18 **IN WRITTEN OR ORAL FORM, OR BOTH, SUCH AS, “THE STUDENT GIVING THE**
19 **INTRODUCTION FOR THIS EVENT IS A VOLUNTEERING STUDENT SELECTED ON**
20 **NEUTRAL CRITERIA TO INTRODUCE THE EVENT. THE CONTENT OF THE**
21 **INTRODUCTION IS THE PRIVATE EXPRESSION OF THE STUDENT AND DOES NOT**
22 **REFLECT THE ENDORSEMENT, SPONSORSHIP, POSITION, OR EXPRESSION OF**
23 **THE COUNTY BOARD.”**

24 **CERTAIN STUDENTS WHO HAVE ATTAINED SPECIAL POSITIONS OF HONOR**
25 **IN THE SCHOOL TRADITIONALLY HAVE ADDRESSED SCHOOL AUDIENCES FROM**
26 **TIME TO TIME AS A TANGENTIAL COMPONENT OF THEIR ACHIEVED POSITIONS**
27 **OF HONOR, SUCH AS THE CAPTAINS OF VARIOUS ATHLETIC TEAMS, STUDENT**
28 **COUNCIL OFFICERS, CLASS OFFICERS, HOMECOMING KINGS AND QUEENS, PROM**
29 **KINGS AND QUEENS, AND THE LIKE, AND HAVE ATTAINED THEIR POSITIONS**
30 **BASED ON NEUTRAL CRITERIA. NOTHING IN THIS POLICY ELIMINATES THE**
31 **CONTINUATION OF THE PRACTICE OF HAVING THESE STUDENTS, IRRESPECTIVE**
32 **OF GRADE LEVEL, ADDRESS SCHOOL AUDIENCES IN THE NORMAL COURSE OF**
33 **THEIR RESPECTIVE POSITIONS. SIMILARLY, CERTAIN STUDENTS WHO HAVE**
34 **ATTAINED SPECIAL POSITIONS OF HONOR WITHIN A SCHOOL CLUB OR**
35 **ORGANIZATION HAVE ADDRESSED THEIR MEMBERS AND GUESTS AT MEETINGS,**
36 **BANQUETS, AND OTHER EVENTS FROM TIME TO TIME AS A TANGENTIAL**
37 **COMPONENT OF THEIR ACHIEVED POSITION OF HONOR WITHIN THEIR SCHOOL**
38 **CLUB OR ORGANIZATION. NOTHING IN THIS POLICY ELIMINATES THE**
39 **CONTINUATION OF THE PRACTICE OF HAVING THOSE STUDENTS, IRRESPECTIVE**
40 **OF GRADE LEVEL, ADDRESS THOSE AUDIENCES IN THE NORMAL COURSE OF**
41 **THEIR RESPECTIVE POSITIONS AT SUCH SCHOOL CLUB OR ORGANIZATIONAL**
42 **MEETINGS, BANQUETS, AND EVENTS. THE ELIGIBLE SPEAKERS AND SELECTION**

1 PROCESS STATED AT THE BEGINNING OF THIS POLICY WILL NOT APPLY TO SUCH
2 MEETINGS, BANQUETS, AND EVENTS OF SUCH SCHOOL CLUBS AND
3 ORGANIZATIONS. THE COUNTY BOARD SHALL CREATE A LIMITED PUBLIC
4 FORUM FOR THE SPEAKERS AND SHALL TREAT A STUDENT'S VOLUNTARY
5 EXPRESSION OF A RELIGIOUS VIEWPOINT, IF ANY, ON AN OTHERWISE
6 PERMISSIBLE SUBJECT IN THE SAME MANNER THE BOARD TREATS A STUDENT'S
7 VOLUNTARY EXPRESSION OF A SECULAR OR OTHER VIEWPOINT ON AN
8 OTHERWISE PERMISSIBLE SUBJECT AND MAY NOT DISCRIMINATE AGAINST THE
9 STUDENT BASED ON A RELIGIOUS VIEWPOINT, IF ANY, EXPRESSED BY THE
10 STUDENT ON AN OTHERWISE PERMISSIBLE SUBJECT.

11 **ARTICLE III**

12 **STUDENT SPEAKERS AT GRADUATION CEREMONIES**

13 THE COUNTY BOARD HEREBY CREATES A LIMITED PUBLIC FORUM
14 CONSISTING OF AN OPPORTUNITY FOR A STUDENT TO SPEAK TO BEGIN
15 GRADUATION CEREMONIES AND ANOTHER STUDENT TO SPEAK TO END
16 GRADUATION CEREMONIES. FOR EACH SPEAKER, THE BOARD SHALL SET A
17 MAXIMUM TIME LIMIT REASONABLE AND APPROPRIATE TO THE OCCASION.

18 THE FORUM SHALL BE LIMITED IN THE MANNER PROVIDED BY THIS
19 ARTICLE.

20 ONLY STUDENTS WHO ARE GRADUATING AND WHO HOLD ONE OF THE
21 FOLLOWING NEUTRAL CRITERIA POSITIONS OF HONOR SHALL BE ELIGIBLE TO
22 USE THE LIMITED PUBLIC FORUM: STUDENT COUNCIL OFFICERS, CLASS
23 OFFICERS OF THE GRADUATING CLASS, THE TOP THREE ACADEMICALLY
24 RANKED GRADUATES, OR A SHORTER OR LONGER LIST OF STUDENT LEADERS AS
25 THE COUNTY BOARD MAY DESIGNATE. A STUDENT WHO WILL OTHERWISE HAVE
26 A SPEAKING ROLE IN THE GRADUATION CEREMONIES IS INELIGIBLE TO GIVE
27 THE OPENING AND CLOSING REMARKS. THE NAMES OF THE ELIGIBLE
28 VOLUNTEERING STUDENTS WILL BE RANDOMLY DRAWN. THE FIRST NAME
29 DRAWN WILL GIVE THE OPENING AND THE SECOND NAME DRAWN WILL GIVE
30 THE CLOSING.

31 THE TOPIC OF THE OPENING AND CLOSING REMARKS MUST BE RELATED
32 TO THE PURPOSE OF THE GRADUATION CEREMONY AND TO THE PURPOSE OF
33 MARKING THE OPENING AND CLOSING OF THE EVENT, HONORING THE
34 OCCASION, THE PARTICIPANTS, AND THOSE IN ATTENDANCE, BRINGING THE
35 AUDIENCE TO ORDER, AND FOCUSING THE AUDIENCE ON THE PURPOSE OF THE
36 EVENT.

1 IN ADDITION TO THE STUDENTS GIVING THE OPENING AND CLOSING
 2 REMARKS, CERTAIN OTHER STUDENTS WHO HAVE ATTAINED SPECIAL
 3 POSITIONS OF HONOR BASED ON NEUTRAL CRITERIA, INCLUDING, WITHOUT
 4 LIMITATION, THE VALEDICTORIAN, WILL HAVE SPEAKING ROLES AT
 5 GRADUATION CEREMONIES. FOR EACH SPEAKER, THE COUNTY BOARD SHALL
 6 SET A MAXIMUM TIME LIMIT REASONABLE AND APPROPRIATE TO THE OCCASION
 7 AND TO THE POSITION HELD BY THE SPEAKER. FOR THIS PURPOSE, THE BOARD
 8 CREATES A LIMITED PUBLIC FORUM FOR THESE STUDENTS TO DELIVER THE
 9 ADDRESSES. THE SUBJECT OF THE ADDRESSES MUST BE RELATED TO THE
 10 PURPOSE OF THE GRADUATION CEREMONY, MARKING AND HONORING THE
 11 OCCASION, HONORING THE PARTICIPANTS AND THOSE IN ATTENDANCE, AND
 12 THE STUDENT'S PERSPECTIVE ON PURPOSE, ACHIEVEMENT, LIFE, SCHOOL,
 13 GRADUATION, AND LOOKING FORWARD TO THE FUTURE.

14 THE SUBJECT MUST BE DESIGNATED FOR EACH STUDENT SPEAKER, THE
 15 STUDENT MUST STAY ON THE SUBJECT, AND THE STUDENT MAY NOT ENGAGE IN
 16 OBSCENE, VULGAR, OFFENSIVELY LEWD, OR INDECENT SPEECH OR SPEECH
 17 THAT PROMOTES ILLEGAL DRUG USE. THE COUNTY BOARD SHALL TREAT A
 18 STUDENT'S VOLUNTARY EXPRESSION OF A RELIGIOUS VIEWPOINT, IF ANY, ON
 19 AN OTHERWISE PERMISSIBLE SUBJECT IN THE SAME MANNER THE BOARD
 20 TREATS A STUDENT'S VOLUNTARY EXPRESSION OF A SECULAR OR OTHER
 21 VIEWPOINT ON AN OTHERWISE PERMISSIBLE SUBJECT AND MAY NOT
 22 DISCRIMINATE AGAINST THE STUDENT BASED ON A RELIGIOUS VIEWPOINT
 23 EXPRESSED BY THE STUDENT ON AN OTHERWISE PERMISSIBLE SUBJECT.

24 A WRITTEN DISCLAIMER SHALL BE PRINTED IN THE GRADUATION
 25 PROGRAM THAT STATES, "THE STUDENTS WHO WILL BE SPEAKING AT THE
 26 GRADUATION CEREMONY WERE SELECTED BASED ON NEUTRAL CRITERIA TO
 27 DELIVER MESSAGES OF THE STUDENTS' OWN CHOICES. THE CONTENT OF EACH
 28 STUDENT SPEAKER'S MESSAGE IS THE PRIVATE EXPRESSION OF THE
 29 INDIVIDUAL STUDENT AND DOES NOT REFLECT ANY POSITION OR EXPRESSION
 30 OF THE COUNTY BOARD OR THE BOARD OF TRUSTEES, OR THE BOARD'S
 31 ADMINISTRATION, OR EMPLOYEES OF THE BOARD, OR THE VIEWS OF ANY
 32 OTHER GRADUATE. THE CONTENTS OF THESE MESSAGES WERE PREPARED BY
 33 THE STUDENT VOLUNTEERS, AND THE BOARD REFRAINED FROM ANY
 34 INTERACTION WITH STUDENT SPEAKERS REGARDING THE STUDENT SPEAKERS'
 35 VIEWPOINTS ON PERMISSIBLE SUBJECTS."

36 **ARTICLE IV**

37 **RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS**

38 STUDENTS MAY EXPRESS THE STUDENTS' BELIEFS ABOUT RELIGION IN
 39 HOMEWORK, ARTWORK, AND OTHER WRITTEN AND ORAL ASSIGNMENTS FREE

1 FROM DISCRIMINATION BASED ON THE RELIGIOUS CONTENT OF THE STUDENTS'
2 SUBMISSION. HOMEWORK AND CLASSROOM WORK SHALL BE JUDGED BY
3 ORDINARY ACADEMIC STANDARDS OF SUBSTANCE AND RELEVANCE AND
4 AGAINST OTHER LEGITIMATE PEDAGOGICAL CONCERNS IDENTIFIED BY THE
5 SCHOOL. STUDENTS MAY NOT BE PENALIZED OR REWARDED ON ACCOUNT OF
6 RELIGIOUS CONTENT. IF A TEACHER'S ASSIGNMENT INVOLVES WRITING A
7 POEM, THE WORK OF A STUDENT WHO SUBMITS A POEM IN THE FORM OF A
8 PRAYER (FOR EXAMPLE, A PSALM) SHOULD BE JUDGED ON THE BASIS OF
9 ACADEMIC STANDARDS, INCLUDING LITERARY QUALITY, AND NOT PENALIZED
10 OR REWARDED ON ACCOUNT OF ITS RELIGIOUS CONTENT.

11 ARTICLE V

12 FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

13 STUDENTS MAY ORGANIZE PRAYER GROUPS, RELIGIOUS CLUBS, "SEE YOU
14 AT THE POLE" GATHERINGS, AND OTHER RELIGIOUS GATHERINGS BEFORE,
15 DURING, AND AFTER SCHOOL TO THE SAME EXTENT THAT STUDENTS ARE
16 PERMITTED TO ORGANIZE OTHER NONCURRICULAR STUDENT ACTIVITIES AND
17 GROUPS. RELIGIOUS GROUPS MUST BE GIVEN THE SAME ACCESS TO SCHOOL
18 FACILITIES FOR ASSEMBLING AS IS GIVEN TO OTHER NONCURRICULAR GROUPS,
19 WITHOUT DISCRIMINATION BASED ON THE RELIGIOUS CONTENT OF THE
20 GROUP'S EXPRESSION. IF STUDENT GROUPS THAT MEET FOR NONRELIGIOUS
21 ACTIVITIES ARE ALLOWED TO ADVERTISE OR ANNOUNCE THE GROUPS'
22 MEETINGS, FOR EXAMPLE, BY ADVERTISING IN A STUDENT NEWSPAPER,
23 PUTTING UP POSTERS, MAKING ANNOUNCEMENTS ON A STUDENT ACTIVITIES
24 BULLETIN BOARD OR PUBLIC ADDRESS SYSTEM, OR HANDING OUT LEAFLETS,
25 SCHOOL AUTHORITIES MAY NOT DISCRIMINATE AGAINST GROUPS THAT MEET
26 FOR PRAYER OR OTHER RELIGIOUS SPEECH. SCHOOL AUTHORITIES MAY
27 DISCLAIM SPONSORSHIP OF NONCURRICULAR GROUPS AND EVENTS, PROVIDED
28 THEY ADMINISTER THE DISCLAIMER IN A MANNER THAT DOES NOT FAVOR OR
29 DISFAVOR GROUPS THAT MEET TO ENGAGE IN PRAYER OR OTHER RELIGIOUS
30 SPEECH.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2009.