

1 SB429
2 151689-1
3 By Senators Williams, Glover, Bussman, Reed, Holtzclaw,
4 Taylor, McGill, Holley, Fielding, Waggoner, Allen, Smith and
5 Marsh
6 RFD: Education
7 First Read: 11-APR-13

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8 SYNOPSIS: This bill would create the Alabama Student
9 Religious Liberties Act of 2013.

10 This bill would prohibit school districts
11 from discriminating against a student or parent on
12 the basis of a religious viewpoint or religious
13 expression in public schools.

14 This bill would require school districts to
15 allow religious expression in class assignments,
16 coursework, and artwork.

17 This bill would require school districts to
18 provide students with the freedom to organize
19 religious groups and activities.

20 This bill would also require school
21 districts to adopt and implement a policy regarding
22 a limited public forum and voluntary student
23 expression of religious viewpoints.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 Relating to religious expression; to create the
3 Alabama Student Religious Liberties Act of 2013; to prohibit
4 school districts from discriminating against a student or
5 parent on the basis of a religious viewpoint or religious
6 expression in public schools; to require school districts to
7 allow religious expression in class assignments, coursework,
8 and artwork; to require school districts to provide students
9 with the freedom to organize religious groups and activities;
10 and to require school districts to adopt and implement a
11 policy regarding a limited public forum and voluntary student
12 expression of religious viewpoints.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. This act shall be known and may be cited
15 as the "Alabama Student Religious Liberties Act of 2013."

16 Section 2. A public school district may not
17 discriminate against students or parents on the basis of a
18 religious viewpoint or religious expression. A school district
19 shall treat a student's voluntary expression of a religious
20 viewpoint, if any, on an otherwise permissible subject in the
21 same manner the district treats a student's voluntary
22 expression of a secular or other viewpoint on an otherwise
23 permissible subject and may not discriminate against the
24 student based on a religious viewpoint expressed by the
25 student on an otherwise permissible subject.

26 Section 3. Students may express their beliefs about
27 religion in homework, artwork, and other written and oral

1 assignments free from discrimination based on the religious
2 content of their submissions. Homework and classroom
3 assignments shall be judged by ordinary academic standards of
4 substance and relevance and against other legitimate
5 pedagogical concerns identified by the school district.
6 Students may not be penalized or rewarded on account of the
7 religious content of their work. If an assignment requires a
8 student's viewpoint to be expressed in coursework, artwork, or
9 other written or oral assignments, a public school may not
10 penalize or reward a student on the basis of religious content
11 or a religious viewpoint. In such an assignment, a student's
12 academic work that expresses a religious viewpoint shall be
13 evaluated based on ordinary academic standards of substance
14 and relevance to the course curriculum or requirements of the
15 coursework or assignment.

16 Section 4. (a) Students in public schools may pray
17 or engage in religious activities or religious expression
18 before, during, and after the school day in the same manner
19 and to the same extent that students may engage in
20 nonreligious activities or expression. Students may organize
21 prayer groups, religious clubs, "see you at the pole"
22 gatherings, or other religious gatherings before, during, and
23 after school to the same extent that students are permitted to
24 organize other noncurricular student activities and groups.
25 Religious groups shall be given the same access to school
26 facilities for assembling as is given to other noncurricular
27 groups without discrimination based on the religious content

1 of the students' expression. If student groups that meet for
2 nonreligious activities are permitted to advertise or announce
3 meetings of the groups, the school district may not
4 discriminate against groups that meet for prayer or other
5 religious speech. A school district may disclaim school
6 sponsorship of noncurricular groups and events in a manner
7 that neither favors nor disfavors groups that meet to engage
8 in prayer or religious speech.

9 (b) Students in public schools may wear clothing,
10 accessories and jewelry that display religious messages or
11 religious symbols in the same manner and to the same extent
12 that other types of clothing, accessories and jewelry that
13 display messages or symbols are permitted.

14 Section 5. (a) In order to ensure that a school
15 district does not discriminate against a student's publicly
16 stated voluntary expression of a religious viewpoint, if any,
17 and to eliminate any actual or perceived affirmative school
18 sponsorship or attribution to the school district of a
19 student's expression of a religious viewpoint, if any, a
20 school district shall adopt a policy that includes the
21 establishment of a limited public forum for student speakers
22 at all school events at which a student is to publicly speak,
23 as provided in Section 7. The policy regarding the limited
24 public forum shall also require the school district to do all
25 of the following:

26 (1) Provide the forum in a manner that does not
27 discriminate against a student's voluntary expression of a

1 religious viewpoint, if any, on an otherwise permissible
2 subject.

3 (2) Provide a method, based on neutral criteria, for
4 the selection of student speakers at school events and
5 graduation ceremonies.

6 (3) Ensure that a student speaker does not engage in
7 obscene, vulgar, offensively lewd, or indecent speech.

8 (4) State, in writing, orally, or both, that the
9 student's speech does not reflect the endorsement,
10 sponsorship, position, or expression of the district.

11 (b) The school district disclaimer required by
12 subdivision (4) of subsection (a) shall be provided at all
13 graduation ceremonies. The school district shall also continue
14 to provide the disclaimer at any other event in which a
15 student speaks publicly for as long as a need exists to dispel
16 confusion over the district's nonsponsorship of the student's
17 speech.

18 (c) Student expression on an otherwise permissible
19 subject may not be excluded from the limited public forum
20 because the subject is expressed from a religious viewpoint.

21 Section 6. Each school district shall adopt and
22 implement a local policy regarding a limited public forum and
23 voluntary student expression of religious viewpoints. If a
24 school district voluntarily adopts and follows a policy
25 governing voluntary religious expression in public schools
26 that is substantially similar to the model policy provided in

1 Section 7, the school district is in compliance with the
2 provisions of this act covered by the model policy.

3 Section 7. (a) Student Expression of Religious
4 Viewpoints.

5 The school district shall treat a student's
6 voluntary expression of a religious viewpoint, if any, on an
7 otherwise permissible subject in the same manner the district
8 treats a student's voluntary expression of a secular or other
9 viewpoint on an otherwise permissible subject and may not
10 discriminate against the student based on a religious
11 viewpoint expressed by the student on an otherwise permissible
12 subject.

13 (b) Student Speakers at Nongraduation Events.

14 (1) The school district hereby creates a limited
15 public forum for student speakers at all school events at
16 which a student is to publicly speak. For each speaker, the
17 district shall set a maximum time limit reasonable and
18 appropriate to the occasion. Student speakers shall introduce:

19 a. Football games.

20 b. Any other athletic events designated by the
21 district.

22 c. Opening announcements and greetings for the
23 school day.

24 d. Any additional events designated by the district,
25 which may include, without limitation, assemblies and pep
26 rallies.

1 (2) The forum shall be limited in the manner
2 provided by this subsection.

3 (3) Only those students in the highest two grade
4 levels of the school and who hold one of the following
5 positions of honor based on neutral criteria are eligible to
6 use the limited public forum: Student council officers, class
7 officers of the highest grade level in the school, captains of
8 the football team, and other students holding positions of
9 honor as the district may designate.

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

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

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

19 (6) For as long as there is a need to dispel
20 confusion over the nonsponsorship of the student's speech at
21 each event in which a student will deliver an introduction, a
22 disclaimer shall be stated in written or oral form, or both,
23 such as, "The student giving the introduction for this event
24 is a volunteering student selected on neutral criteria to
25 introduce the event. The content of the introduction is the
26 private expression of the student and does not reflect the

1 endorsement, sponsorship, position, or expression of the
2 school district."

3 (7) Certain students who have attained special
4 positions of honor in the school have traditionally addressed
5 school audiences from time to time as a tangential component
6 of their achieved positions of honor, such as the captains of
7 various sports teams, student council officers, class
8 officers, homecoming kings and queens, prom kings and queens,
9 and the like, and have attained their positions based on
10 neutral criteria. Nothing in this policy eliminates the
11 continuation of the practice of having these students,
12 irrespective of grade level, address school audiences in the
13 normal course of their respective positions. The school
14 district shall create a limited public forum for the speakers
15 and shall treat a student's voluntary expression of a
16 religious viewpoint, if any, on an otherwise permissible
17 subject in the same manner the district treats a student's
18 voluntary expression of a secular or other viewpoint on an
19 otherwise permissible subject and may not discriminate against
20 the student based on a religious viewpoint expressed by the
21 student on an otherwise permissible subject.

22 (c) Student Speakers at Graduation Ceremonies.

23 (1) The school district hereby creates a limited
24 public forum consisting of an opportunity for a student to
25 speak to begin graduation ceremonies and another student to
26 speak to end graduation ceremonies. For each speaker, the

1 district shall set a maximum time limit reasonable and
2 appropriate to the occasion.

3 (2) The forum shall be limited in the manner
4 provided by this subsection.

5 (3) Only students who are graduating and who hold
6 one of the following neutral criteria positions of honor shall
7 be eligible to use the limited public forum: Student council
8 officers, class officers of the graduating class, the top
9 three academically ranked graduates, or a shorter or longer
10 list of student leaders as the school district may designate.
11 A student who will otherwise have a speaking role in the
12 graduation ceremonies is ineligible to give the opening and
13 closing remarks. The names of the eligible volunteering
14 students shall be randomly drawn. The first name drawn shall
15 give the opening remark and the second name drawn shall give
16 the closing remark.

17 (4) The topic of the opening and closing remarks
18 shall be related to the purpose of the graduation ceremony and
19 to the purpose of marking the opening and closing of the
20 event; honoring the occasion, the participants, and those in
21 attendance; bringing the audience to order; and focusing the
22 audience on the purpose of the event.

23 (5) In addition to the students giving the opening
24 and closing remarks, certain other students who have attained
25 special positions of honor based on neutral criteria,
26 including, without limitation, the valedictorian, shall have
27 speaking roles at graduation ceremonies. For each speaker, the

1 school district shall set a maximum time limit reasonable and
2 appropriate to the occasion and to the position held by the
3 speaker. For this purpose, the district creates a limited
4 public forum for these students to deliver the addresses. The
5 subject of the addresses shall be related to the purpose of
6 the graduation ceremony, marking and honoring the occasion,
7 honoring the participants and those in attendance, and the
8 student's perspective on purpose, achievement, life, school,
9 graduation, and looking forward to the future.

10 (6) The subject shall be designated for each student
11 speaker, the student shall stay on the subject, and the
12 student may not engage in obscene, vulgar, offensively lewd,
13 or indecent speech. The school district shall treat a
14 student's voluntary expression of a religious viewpoint, if
15 any, on an otherwise permissible subject in the same manner
16 the district treats a student's voluntary expression of a
17 secular or other viewpoint on an otherwise permissible subject
18 and may not discriminate against the student based on a
19 religious viewpoint expressed by the student on an otherwise
20 permissible subject.

21 (7) A written disclaimer shall be printed in the
22 graduation program that states, "The students who will be
23 speaking at the graduation ceremony were selected based on
24 neutral criteria to deliver messages of the students' own
25 choices. The content of each student speaker's message is the
26 private expression of the individual student and does not
27 reflect any position or expression of the school district or

1 the board of education, or the district's administration, or
2 employees of the district, or the views of any other graduate.
3 The contents of these messages were prepared by the student
4 volunteers, and the district refrained from any interaction
5 with student speakers regarding the student speakers'
6 viewpoints on permissible subjects."

7 (d) Religious Expression in Class Assignments.

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

21 (e) Freedom to Organize Religious Groups and
22 Activities.

23 Students may organize prayer groups, religious
24 clubs, "see you at the pole" gatherings, and other religious
25 gatherings before, during, and after school to the same extent
26 that students are permitted to organize other noncurricular
27 student activities and groups. Religious groups shall be given

1 the same access to school facilities for assembling as is
2 given to other noncurricular groups, without discrimination
3 based on the religious content of the group's expression. If
4 student groups that meet for nonreligious activities are
5 permitted to advertise or announce the groups' meetings, for
6 example, by advertising in a student newspaper, putting up
7 posters, making announcements on a student activities bulletin
8 board or public address system, or handing out leaflets,
9 school authorities may not discriminate against groups that
10 meet for prayer or other religious speech. School authorities
11 may disclaim sponsorship of noncurricular groups and events,
12 provided they administer the disclaimer in a manner that does
13 not favor or disfavor groups that meet to engage in prayer or
14 other religious speech.

15 Section 8. This act shall not be construed to
16 authorize this state or any of its political subdivisions to
17 do either of the following:

18 (1) Require any person to participate in prayer or
19 in any other religious activity.

20 (2) Violate the constitutional rights of any person.

21 Section 9. This act shall not be construed to limit
22 the authority of any public school to do any of the following:

23 (1) Maintain order and discipline on the campus of
24 the public school in a content and viewpoint neutral manner.

25 (2) Protect the safety of students, employees, and
26 visitors of the public school.

1 (3) Adopt and enforce policies and procedures
2 regarding student speech at school provided that the policies
3 and procedures do not violate the rights of students as
4 guaranteed by the United States and Alabama constitutions and
5 laws.

6 Section 10. This act shall apply beginning with the
7 2013-2014 school year.

8 Section 11. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.