STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3543   By: Conley

<u>AS INTRODUCED</u>

An Act relating to religious expression in schools;
creating the Oklahoma Freedom of Religious Expression
Act; defining terms; permitting teachers to teach and
discuss certain Judeo-Christian values; allowing
teaching and singing of certain songs; granting right
to teach shortcomings of certain historical figures;
authorizing teaching and discussion of intelligent
design theory; prohibiting exclusion of teaching the
impact of certain values; permitting public schools
to display a memorial cross; requiring schools to
treat student expression of a religious viewpoint the
same as a secular viewpoint; mandating school to
adopt a policy that addresses certain student
expressions; providing protections for students who
express religious viewpoints; directing State Board
of Education to promulgate rules; authorizing school
to employ or accept a chaplain as a volunteer;
excepting chaplain from certification requirements;
requiring chaplain to provide certain criminal
history record checks; excluding certain persons from
serving as a school chaplain; allowing chaplain to
provide specified services; permitting certain
employee to pray at any specified time; prohibiting
punishment or discrimination against person who
refuses to participate in prayer; authorizing certain
civil causes of action for students and employees;
construing provision to not limit the free exercise
of religion; allowing taxpayers to intervene in
certain state court actions; providing for act
severability; 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 25-201 of Title 70, unless there is created a duplication in numbering, reads as follows:

A.   This act shall be known and may be cited as the "Oklahoma Freedom of Religious Expression Act".

B.   As used in the Oklahoma Freedom of Religious Expression Act:

1.   "Intelligent design" means a scientific theory that certain features of the universe and living things provide evidence of intelligent organization and purpose, which then provide the foundations for natural functions, systems, laws, processes, and theories such as natural selection, evolution through adaptation and mutation, and the big bang theory; and

2.   "Teach" means the secular teaching of a subject providing for the fullest possible education of students. It includes, but is not limited to, the discussion, education, and understanding of the history, impact, modern effects, cultural effects, artistic forms, holidays, and scientific impacts that religions have had or do have, including explicitly or exclusively Christian or Judeo-Christian values, without qualifying as the teaching of sectarian or religious doctrine prohibited in Section 11-101 of Title 70 of the Oklahoma Statutes or otherwise as may affect the validity of this section.

C.   Teachers, as defined in Section 1-116 of Title 70 of the Oklahoma Statutes, shall:

1. Be permitted to teach and discuss in class the Judeo-Christian values in correspondence with other relevant historical and cultural contexts for course instruction;

2. Be permitted to teach about and lead students in singing traditional songs and music such as Christmas carols;

3. Be permitted to teach about the shortcomings of historically significant figures who professed allegiance to such Judeo-Christian values throughout history in an age-appropriate manner;

4. Be permitted to teach and discuss the theory of intelligent design in correspondence with other relevant scientific study and information concerning the origin of species and the natural laws of the universe as provided by the Oklahoma Academic Standards; and

5. Be prohibited from explicitly excluding the fundamental impact Judeo-Christian values have had in the school's local area, the state, the United States of America, Western civilization, and the world.

D. Public schools, as defined in Section 1-106 of Title 70 of the Oklahoma Statutes, shall:

1. Be permitted to display a memorial cross that is symbolic of the Christian faith on public land;

2. Treat a public school student's voluntary expression, if any, of a religious viewpoint on an otherwise permissible subject in the same manner the school district treats a student's voluntary

expression of a secular or other viewpoint on an otherwise

permissible subject; and

    3. Adopt a policy that ensures:

        a.   the school district does not discriminate against a

            public school student's voluntary expression, if any,

            of a religious viewpoint,

        b.   any affirmative school sponsorship or attribution to

            the school district of a student's public expression

            of a religious viewpoint, if any, is eliminated,

        c.   a limited public forum shall be established for public

            school student speakers at all school events at which

            a student may speak publicly. A student's expression

            of a religious viewpoint, if any, on an otherwise

            permissible subject shall not be excluded from the

            limited public forum established in this subparagraph,

        d.   provision of a limited public forum that does not

            discriminate against a student's voluntary expression

            of a religious viewpoint, if any, on an otherwise

            permissible subject,

        e.   provision of a method, based on neutral criteria, for

            the selection of speakers at school events, including

            graduation ceremonies,

f. procedures to ensure that a student speaker does not engage in speech that is obscene, vulgar, offensively lewd, or indecent, and

g. a disclaimer is given to convey that a student speaker's speech shall not reflect the endorsement, sponsorship, position, or expression of the school district. The disclaimer may be stated in writing or orally and shall be provided at all public school graduation ceremonies and at any other school event at which a student speaker speaks publicly.

E. 1. A public school student may express his or her religious viewpoint, if any, in the following contexts without discrimination based on the religious content: homework, classwork, artwork, and other written or oral assignments.

2. A student's homework, classwork, artwork, or other written or oral assignments shall be graded and judged:

a. by ordinary academic standards of substance and relevance, and

b. against other conventional, pedagogical topics as identified by a school district.

3. A student shall not be penalized or rewarded based on the religious character, if any, of his or her homework, classwork, artwork, or other written or oral assignments.

F. The State Board of Education shall promulgate rules to implement the provisions of the Oklahoma Freedom of Religious Expression Act. The Board shall ensure students and teachers are not penalized for discussing any of the topics mentioned in subsection C of this section so long as it concerns the topic of study within the classroom.

SECTION 2.   NEW LAW   A new section of law to be codified in the Oklahoma Statutes as Section 25-202 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. A school district or charter school may employ or accept as a volunteer a chaplain to provide support, services, and programs for students as assigned by the board of education or governing board of the district, charter school, or charter school district. A chaplain employed or volunteering pursuant to this section is not required to be certified by the State Board for Education.

B. A school district or charter school that employs or accepts as a volunteer a chaplain as provided in this section shall ensure that the chaplain has completed a current Oklahoma criminal history record from the Oklahoma State Bureau of Investigation and a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes before the chaplain begins employment or volunteering at the district or school.

C. A school district or charter school shall not employ or accept as a volunteer a chaplain who has been convicted of or

received a deferred sentence for an offense listed in Section 6-101.41 of Title 70 of the Oklahoma Statutes.

D. A chaplain subject to the provisions of this section shall be an eligible service provider for mental health counseling and social services for students as provided in Section 24-100.1 of Title 70 of the Oklahoma Statutes.

E. A chaplain subject to the provisions of this section shall be considered as a referral for appropriate services pursuant to subparagraph c of paragraph 12 of subsection A of Section 24-100.4 of Title 70 of the Oklahoma Statutes.

SECTION 3.   NEW LAW   A new section of law to be codified in the Oklahoma Statutes as Section 25-203 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. An employee of a public college, school district, or charter school may pray at any time they are otherwise free to engage in personal conversations or other personal conduct.

B. No public college, school district, or charter school may punish or otherwise take adverse action or discriminate against any other person for refusing to participate in a prayer described in subsection A of this section. A student or the parent of a student who can demonstrate under the preponderance of the evidence standard that the student was punished or discriminated against by an employee for refusing to participate in a prayer as described in subsection A of this section may pursue a civil action in a court of

competent jurisdiction and the student may seek attorney fees,

costs, injunctive relief, declaratory relief, and other forms of

relief deemed appropriate by the court.

C. If a public school district or public college administrator

prohibits or takes adverse action against an employee for engaging

in the activity described in subsection A of this section, the

employee may pursue a civil action in a court of competent

jurisdiction and may seek attorney fees, costs, injunctive relief,

declaratory relief, and other forms of relief deemed appropriate by

the court.

D. If a court finds that a cause of action filed by an employee

pursuant to subsection C of this section or by a student or his or

her parent pursuant to subsection B of this section was maliciously

filed or initiated for ulterior purposes against a defendant, then

the court may award costs and attorney fees to a defendant under

this section for abuse of process.

E. Nothing in this section shall be construed to limit the free

exercise of religion in any way.

SECTION 4.   NEW LAW   A new section of law to be codified

in the Oklahoma Statutes as Section 25-204 of Title 70, unless there

is created a duplication in numbering, reads as follows:

A. If any part of the Oklahoma Freedom of Religious Expression

Act is challenged in a state court as violating either the Oklahoma

Constitution or United States Constitution, taxpayers shall be

permitted to intervene for the purposes of defending the constitutionality of the Oklahoma Freedom of Religious Expression Act. However, for the purposes of judicial administration, a court may require that all taxpayers file a joint brief so long as they are not required to join any brief filed on behalf of any named state defendant.

B. The provisions of the Oklahoma Freedom of Religious Expression Act shall be severable, and if any provision of the Oklahoma Freedom of Religious Expression Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not invalidate the other provisions or applications of this act.

SECTION 5. This act shall become effective July 1, 2024.

SECTION 6. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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