STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 21

By: Allen

AS INTRODUCED

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 Religious Viewpoints Antidiscrimination Policy; 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 the student based on a religious viewpoint, if any, expressed by the student on an otherwise permissible subject.
SECTION 3.  NEW LAW    A new section of law to be codified in the Oklahoma Statutes as Section 27-203 of Title 70, unless there is created a duplication in numbering, reads as follows:

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

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

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

3.  Ensure that a student speaker does not engage in obscene speech, vulgar speech, offensively lewd speech, indecent speech or speech that promotes illegal drug use; and
4. State, in writing, orally or both, that the speech of a student does not reflect the endorsement, sponsorship, position or expression of the district.

B. The school district disclaimer required by paragraph 4 of subsection A of this section shall be provided at all graduation ceremonies. The school district shall also continue to provide the disclaimer at any other event in which a student speaks publicly for as long as a need exists to dispel confusion over the nonsponsorship of the school district of the speech of the student.

C. Student expression on an otherwise permissible subject may not be excluded from the limited public forum because the subject is expressed from a religious viewpoint.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 27-204 of Title 70, unless there is created a duplication in numbering, reads as follows:

Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Homework and classroom assignments shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school district. Students shall not be penalized or rewarded on account of the religious content of their work.
SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 27-205 of Title 70, unless there is created a duplication in numbering, reads as follows:

Students may organize prayer groups, religious clubs, "see you at the pole" gatherings or other religious gatherings before, during and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the student expression. If student groups that meet for nonreligious activities are permitted to advertise or announce meetings of the groups, the school district shall not discriminate against groups that meet for prayer or other religious speech. A school district may disclaim school sponsorship of noncurricular groups and events in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.

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

Each school district in the state shall adopt and implement the model policy. If a school district voluntarily adopts and follows the model policy governing voluntary religious expression in public schools as provided by Section 7 of this act, the district shall be
in compliance with the provisions of the Religious Viewpoints
Antidiscrimination Act covered by the model policy.

SECTION 7.    NEW LAW    A new section of law to be codified
in the Oklahoma Statutes as Section 27-207 of Title 70, unless there
is created a duplication in numbering, reads as follows:

This section sets forth the provisions of the Model Religious
Viewpoints Antidiscrimination Policy. As used in the Religious
Viewpoints Antidiscrimination Act, "model policy" means a local
policy adopted by a school district that is substantially similar to
the following:

ARTICLE I. STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

The school district shall treat the voluntary expression by 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
the student based on a religious viewpoint, if any, expressed by the
student on an otherwise permissible subject.

ARTICLE II. STUDENT SPEAKERS AT NONGRADUATION EVENTS

A. The state and its school districts believe there are
numerous education benefits that students gain from public speaking.
The school district hereby creates a limited public forum for
student speakers at all school events at which a student is to
publicly speak, as designated herein. For each speaker, the
district shall set a maximum time limit reasonable and appropriate
to the occasion. Student speakers shall introduce:

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

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

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

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

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

1. President of the student council;

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

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

D. The school district may, in its discretion, add to this list
other students who are presidents of specific school organizations
as the school district may designate. No student shall be compelled
to accept a speaking position.
E. An eligible student shall be notified of the eligibility of the student, and a student who wishes to participate as an introducing speaker shall submit a request to the student council or other designated body during an announced period of not less than three (3) days. The announced period may be at the beginning of the school year, at the end of the preceding school year so student speakers are in place for the new year, or, if the selection process will be repeated each semester, at the beginning of each semester or at the end of the preceding semester so speakers are in place for the next semester. The names of the volunteering student speakers shall be randomly drawn until all names have been selected, and the names shall be listed in the order drawn. Each selected student will be matched chronologically to the event for which the student will be giving the introduction. Each student may speak for one (1) week at a time for all introductions of events that week, or rotate after each speaking event, or otherwise as determined by the district. The list of student speakers shall be chronologically repeated as needed, in the same order. The district may repeat the selection process each semester rather than once a year.

F. The subject of the student introductions shall be related to the purpose of the event and to the purpose of marking the opening of the event; honoring the occasion, the participants and those in attendance; bringing the audience to order; and focusing the audience on the purpose of the event. The subject shall be
designated; a student shall stay on the subject and the student may not engage in obscene speech, vulgar speech, offensively lewd speech, indecent speech or speech that promotes illegal drug use. The school district shall treat the voluntary expression of a religious viewpoint by the student, if any, on an otherwise permissible subject in the same manner the district treats the voluntary expression of a secular or other viewpoint by a student on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

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

H. Certain students who have attained special positions of honor in the school have traditionally addressed school audiences from time to time as a tangential component of their achieved positions of honor, such as the captains of various sports teams, student council officers, class officers, homecoming kings and
queens, prom kings and queens, and the like, and have attained their positions based on neutral criteria. Nothing in this policy eliminates the continuation of the practice of having these students, irrespective of grade level, address school audiences in the normal course of their respective positions. Similarly, certain students who have attained special positions of honor within a school club or organization have addressed their members and guests at meetings, banquets and other events from time to time as a tangential component of their achieved position of honor within their school club or organization. Nothing in this policy eliminates the continuation of the practice of having those students, irrespective of grade level, address those audiences in the normal course of their respective positions at such school club or organizational meetings, banquets and events. The eligible speakers and selection process stated at the beginning of this policy will not apply to such meetings, banquets and events of such school clubs and organizations. The school district shall create a limited public forum for the speakers and shall treat the voluntary expression of a religious viewpoint by a student, if any, on an otherwise permissible subject in the same manner the district treats the voluntary expression of a secular or other viewpoint by a student on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint, if any, expressed by the student on an otherwise permissible subject.
ARTICLE III. STUDENT SPEAKERS AT GRADUATION CEREMONIES

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

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

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

   1. President of the student council; and

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

D. The school district may, in its discretion, add to this list other students who are officers of the student council or class officers of the senior class, or if the school does not have a senior class, the class officers of the highest grade level of the school. A student who will otherwise have a speaking role in the graduation ceremonies is ineligible to give the opening and closing. The names of the eligible volunteering students will be randomly drawn. The first name drawn will give the opening and the second name drawn will give the closing.
E. The topic of the opening and closing remarks shall be related to the purpose of the graduation ceremony and to the purpose of marking the opening and closing of the event; honoring the occasion, the participants and those in attendance; bringing the audience to order; and focusing the audience on the purpose of the event.

F. In addition to the students giving the opening and closing remarks, certain other students who have attained special positions of honor based on neutral criteria, including, without limitation, the valedictorian, will have speaking roles at graduation ceremonies. For each speaker, the school district shall set a maximum time limit reasonable and appropriate to the occasion and to the position held by the speaker. For this purpose, the district creates a limited public forum for these students to deliver the addresses. The subject of the addresses shall be related to the purpose of the graduation ceremony; marking and honoring the occasion; honoring the participants and those in attendance; and the perspective of the student on purpose, achievement, life, school, graduation and looking forward to the future.

G. The subject shall be designated for each student speaker. The student shall stay on the subject and the student may not engage in obscene speech, vulgar speech, offensively lewd speech, indecent speech, or speech that promotes illegal drug use. The school district shall treat the voluntary expression of a religious
viewpoint of a student, if any, on an otherwise permissible subject
in the same manner the district treats the voluntary expression of a
secular or other viewpoint by a student on an otherwise permissible
subject and may not discriminate against the student based on a
religious viewpoint, if any, expressed by the student on an
otherwise permissible subject.

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

ARTICLE IV. RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

Students may express the beliefs of the student about religion
in homework, artwork, and other written and oral assignments free
from discrimination based on the religious content of the submission
by the student. Homework and classroom work shall be judged by
ordinary academic standards of substance and relevance and against
other legitimate pedagogical concerns identified by the school. Students shall not be penalized or rewarded on account of religious content. If the assignment of a teacher involves writing a poem, the work of a student who submits a poem in the form of a prayer, for example a psalm, should be judged on the basis of academic standards, including literary quality, and not penalized or rewarded on account of its religious content.

ARTICLE V. FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

Students may organize prayer groups, religious clubs, "see you at the pole" gatherings and other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups, without discrimination based on the religious content of the expression of the group. If student groups that meet for nonreligious activities are permitted to advertise or announce the groups' meetings, for example, by advertising in a student newspaper, putting up posters, making announcements on a student activities bulletin board or public address system or handing out leaflets, school authorities shall not discriminate against groups that meet for prayer or other religious speech. School authorities may disclaim sponsorship of noncurricular groups and events, provided they administer the disclaimer in a manner that does not
favor or disfavor groups that meet to engage in prayer or other religious speech.

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

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

SECTION 9. This act shall become effective July 1, 2015.

SECTION 10. It being immediately necessary for the preservation of the public peace, health and 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.