

House Bill 33

By: Representatives Rice of the 51st, Scott of the 153rd, and Holt of the 112th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to enact the "Religious Viewpoints
3 Antidiscrimination Act"; to provide that local school systems shall not discriminate against
4 a student based on a religious viewpoint expressed; to require local school systems to
5 establish a limited public forum for student speakers; to provide that students may express
6 religious beliefs in class assignments; to allow for religious groups and activities in the same
7 manner as other noncurricular groups and activities; to require each local school system to
8 adopt a policy on limited public forums and voluntary student expression of religious
9 viewpoints; to provide for a model policy; to provide for related matters; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
14 secondary education, is amended by adding a new article to read as follows:

15 style="text-align:center">"ARTICLE 21A

16 20-2-1060.

17 This article shall be known and may be cited as the 'Religious Viewpoints
18 Antidiscrimination Act.'

19 20-2-1061.

20 Every local school system in this state shall treat a student's voluntary expression of a
21 religious viewpoint, if any, on an otherwise permissible subject in the same manner that the
22 school system treats a student's voluntary expression of a secular or other viewpoint on an

23 otherwise permissible subject and shall not discriminate against a student based on a
24 religious viewpoint expressed by such student on an otherwise permissible subject.

25 20-2-1062.

26 (a) To ensure that no local school system in this state discriminates against a student's
27 publicly stated voluntary expression of a religious viewpoint, if any, and to eliminate any
28 actual or perceived affirmative school sponsorship or attribution to the school system of
29 a student's expression of a religious viewpoint, if any, each local school system shall
30 provide for the establishment of a limited public forum for student speakers at all school
31 events at which a student is to speak publicly. The policy adopted by each local school
32 system pursuant to Code Section 20-2-1065 with respect to a limited public forum shall
33 also require the school system to:

34 (1) Provide the forum in a manner that does not discriminate against a student's voluntary
35 expression of a religious viewpoint, if any, on an otherwise permissible subject;

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

38 (3) Ensure that a student speaker does not engage in obscene, vulgar, lewd, or indecent
39 speech; and

40 (4) State, in writing or orally, or both, that the student's speech does not reflect the
41 endorsement, sponsorship, position, or expression of the school system.

42 (b) The local school system disclaimer required by paragraph (4) of subsection (a) of this
43 Code section shall be provided at all graduation ceremonies. The local school system shall
44 also continue to provide the disclaimer at any other event in which a student speaks
45 publicly for as long as a need exists to dispel confusion over the school system's
46 nonsponsorship of the student's speech.

47 (c) Student expression on an otherwise permissible subject shall not be excluded from the
48 limited public forum because the subject is expressed from a religious viewpoint.

49 20-2-1063.

50 Students in local school systems in this state may express their beliefs about religion in
51 homework, artwork, and other written and oral assignments free from discrimination based
52 on the religious content of their submissions. Homework and classroom assignments shall
53 be judged by ordinary academic standards of substance and relevance and against other
54 legitimate pedagogical concerns identified by the school system. Students shall not be
55 penalized or rewarded based on the religious content of their work.

56 20-2-1064.

57 Students in local school systems in this state may organize prayer groups, religious clubs,
 58 'see you at the pole' gatherings, or other religious gatherings before, during, and after
 59 school to the same extent that students are permitted to organize other noncurricular student
 60 activities and groups. Religious groups shall be given the same access to school facilities
 61 for assembling as is given to other noncurricular groups without discrimination based on
 62 the religious content of the students' expression. If student groups that meet for
 63 nonreligious activities are permitted to advertise or announce meetings of the groups, the
 64 local school system shall not discriminate against groups that meet for prayer or other
 65 religious speech. A local school system may disclaim school sponsorship of noncurricular
 66 groups and events in a manner that neither favors nor disfavors groups that meet to engage
 67 in prayer or religious speech.

68 20-2-1065.

69 Beginning with the 2009-2010 school year, each local school system in this state shall
 70 adopt and implement a local policy regarding a limited public forum and voluntary student
 71 expression of religious viewpoints in accordance with the provisions of this article. If a
 72 local school system voluntarily adopts and follows the model policy as contained in Code
 73 Section 20-2-1066, the school system shall be in compliance with the provisions of this
 74 article.

75 20-2-1066.

76 In this article, 'model policy' means a local policy adopted by a local school system that is
 77 substantially identical to the following:

78 'ARTICLE I

79 STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

80 The local school system shall treat a student's voluntary expression of a religious
 81 viewpoint, if any, on an otherwise permissible subject in the same manner the school
 82 system treats a student's voluntary expression of a secular or other viewpoint on an
 83 otherwise permissible subject and shall not discriminate against the student based on a
 84 religious viewpoint expressed by the student on an otherwise permissible subject.

ARTICLE II

STUDENT SPEAKERS AT NONGRADUATION EVENTS

The local school system hereby creates a limited public forum for student speakers at all school events at which a student is to speak publicly. For each speaker, the school system shall set a maximum time limit reasonable and appropriate to the occasion.

Student speakers shall introduce:

(1) Any athletic event designated by the school system;

(2) Opening announcements and greetings for the school day; and

(3) Any additional events designated by the school system, which may include, without limitation, assemblies and pep rallies.

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

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 shall be eligible to use the limited public forum: student council officers, class officers of the highest grade level in the school, captains of various sports teams, and other students holding positions of honor as the school system may designate.

An eligible student shall be notified of the student's eligibility, and a student who wishes to participate as an introducing speaker shall submit the student's name to the student council or other designated body during an announced period of not less than three 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 shall be matched chronologically to the event for which the student will be giving the introduction. Each student may speak for one week at a time for all introductions of events that week, or rotate after each speaking event, or otherwise as determined by the school system. The list of student speakers shall be chronologically repeated as needed, in the same order. The school system may repeat the selection process each semester rather than once a year.

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 shall not engage in obscene, vulgar, lewd, or indecent

121 speech. The local school system shall treat a student's voluntary expression of a religious
 122 viewpoint, if any, on an otherwise permissible subject in the same manner the school
 123 system treats a student's voluntary expression of a secular or other viewpoint on an
 124 otherwise permissible subject and shall not discriminate against the student based on a
 125 religious viewpoint expressed by the student on an otherwise permissible subject.

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

133 Certain students who have attained special positions of honor in the school have
 134 traditionally addressed school audiences from time to time as a tangential component of
 135 their achieved positions of honor, such as the captains of various sports teams, student
 136 council officers, class officers, homecoming kings and queens, prom kings and queens,
 137 and the like, and have attained their positions based on neutral criteria. Nothing in this
 138 policy eliminates the continuation of the practice of having these students, regardless of
 139 grade level, address school audiences in the normal course of their respective positions.
 140 The local school system shall create a limited public forum for the speakers and shall
 141 treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise
 142 permissible subject in the same manner the school system treats a student's voluntary
 143 expression of a secular or other viewpoint on an otherwise permissible subject and shall
 144 not discriminate against the student based on a religious viewpoint expressed by the
 145 student on an otherwise permissible subject.

146 ARTICLE III

147 STUDENT SPEAKERS AT GRADUATION CEREMONIES

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

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

153 Only students who are graduating and who hold one of the following positions of honor
 154 based on neutral criteria shall be eligible to use the limited public forum: student council
 155 officers, class officers of the graduating class, the top three academically ranked

156 graduates, or a shorter or longer list of student leaders as the school system may
157 designate. A student who will otherwise have a speaking role in the graduation
158 ceremonies shall be ineligible to give the opening and closing remarks. The names of the
159 eligible volunteering students shall be randomly drawn. The first name drawn shall give
160 the opening and the second name drawn shall give the closing.

161 The topic of the opening and closing remarks shall be related to the purpose of the
162 graduation ceremony and to the purpose of marking the opening and closing of the event,
163 honoring the occasion, the participants, and those in attendance, bringing the audience
164 to order, and focusing the audience on the purpose of the event.

165 In addition to the students giving the opening and closing remarks, certain other
166 students who have attained special positions of honor based on neutral criteria, including,
167 without limitation, the valedictorian, shall have speaking roles at graduation ceremonies.
168 For each speaker, the local school system shall set a maximum time limit reasonable and
169 appropriate to the occasion and to the position held by the speaker. For this purpose, the
170 school system creates a limited public forum for these students to deliver the addresses.

171 The subject of the addresses shall be related to the purpose of the graduation ceremony,
172 marking and honoring the occasion, honoring the participants and those in attendance,
173 and the student's perspective on purpose, achievement, life, school, graduation, and
174 looking forward to the future. The subject shall be designated for each student speaker,
175 the student shall stay on the subject, and the student shall not engage in obscene, vulgar,
176 lewd, or indecent speech. The school system shall treat a student's voluntary expression
177 of a religious viewpoint, if any, on an otherwise permissible subject in the same manner
178 the school system treats a student's voluntary expression of a secular or other viewpoint
179 on an otherwise permissible subject and shall not discriminate against the student based
180 on a religious viewpoint expressed by the student on an otherwise permissible subject.

181 A written disclaimer shall be printed in the graduation program and shall state, "The
182 students who will be speaking at the graduation ceremony were selected based on neutral
183 criteria to deliver messages of the students' own choices. The content of each student
184 speaker's message is the private expression of the individual student and does not reflect
185 any position or expression of the local school system, the local board of education, the
186 administration of the school system, the employees of the school system, or the views of
187 any other graduate. The contents of these messages were prepared by the student
188 volunteers, and the school system refrained from any interaction with student speakers
189 regarding the student speakers' viewpoints on permissible subjects."

190

ARTICLE IV

191

RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

192

193

194

195

196

197

198

199

200

A student may express his or her beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of the student's submission. 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 based on religious content. If a teacher's assignment 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 based on its religious content.

201

ARTICLE V

202

FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

203

204

205

206

207

208

209

210

211

212

213

214

215

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 group's expression. 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 that they administer the disclaimer in a manner that does not favor or disfavor groups that meet to engage in prayer or other religious speech."

216

SECTION 2.

217

All laws and parts of laws in conflict with this Act are repealed.