

House Bill 861

By: Representatives Hightower of the 68<sup>th</sup>, Kelley of the 16<sup>th</sup>, Ramsey of the 72<sup>nd</sup>, Mabra of the 63<sup>rd</sup>, Evans of the 42<sup>nd</sup>, and others

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 "Georgia Student Religious Liberties  
3 Act of 2014"; to provide for voluntary student expression of religious viewpoints in public  
4 schools; to provide that local school systems shall allow religious expression in class  
5 assignments; to provide that local school systems shall provide students with the freedom to  
6 organize religious groups and activities; to provide that local school systems shall provide  
7 a limited public forum for student speakers at nongraduation and graduation events; to  
8 provide a model policy for voluntary religious expression in public schools; to provide for  
9 related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Georgia Student Religious Liberties Act  
13 of 2014."

14 **SECTION 2.**

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

17 "ARTICLE 4B

18 20-2-90.

19 A local school system shall not discriminate against students or parents on the basis of a  
20 religious viewpoint or religious expression. A local school system shall treat a student's  
21 voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject  
22 in the same manner the local school system treats a student's voluntary expression of a  
23 secular or other viewpoint on an otherwise permissible subject and shall not discriminate

24 against the student based on a religious viewpoint expressed by the student on an otherwise  
25 permissible subject.

26 20-2-91.

27 Students may express their beliefs about religion in coursework, artwork, and other written  
28 and oral assignments free from discrimination based on the religious content of their  
29 submissions. Homework and classroom assignments shall be judged by ordinary academic  
30 standards of substance and relevance and against other legitimate pedagogical concerns  
31 identified by the local school system. Students shall not be penalized or rewarded on  
32 account of the religious content of their work. If coursework, artwork, or other written or  
33 oral assignments require a student's viewpoint to be expressed, a local school shall not  
34 penalize or reward the student on the basis of religious content or a religious viewpoint.  
35 In such coursework, artwork, or other written or oral assignments, a student's academic  
36 work that expresses a religious viewpoint shall be evaluated based on ordinary academic  
37 standards of substance and relevance to the course curriculum or requirements of the  
38 coursework, artwork, or assignment.

39 20-2-92.

40 (a) Students in local schools may pray or engage in religious activities or religious  
41 expression before, during, and after the school day in the same manner and to the same  
42 extent that students may engage in nonreligious activities or expression. Students may  
43 organize prayer groups, religious clubs, 'see you at the pole' gatherings, and other religious  
44 gatherings before, during, and after school to the same extent that students are permitted  
45 to organize other noncurricular student activities and groups. Religious groups shall be  
46 given the same access to school facilities for assembling as is given to other noncurricular  
47 groups without discrimination based on the religious content of the groups' expression. If  
48 student groups that meet for nonreligious activities are permitted to advertise or announce  
49 their meetings, the local school system shall not discriminate against groups that meet for  
50 prayer or other religious speech. A local school system may disclaim school sponsorship  
51 of noncurricular groups and events in a manner that neither favors nor disfavors groups that  
52 meet to engage in prayer or other religious speech.

53 (b) Students in public schools may wear clothing, accessories, and jewelry that display  
54 religious messages or religious symbols in the same manner and to the same extent that  
55 other types of clothing, accessories, and jewelry that display messages or symbols are  
56 permitted.

57 20-2-93.

58 (a) To ensure that the local school system does not discriminate against a student's publicly  
 59 stated voluntary expression of a religious viewpoint, if any, and to eliminate any actual or  
 60 perceived affirmative school sponsorship or attribution to the school system of a student's  
 61 expression of a religious viewpoint, if any, a local school system shall adopt a policy that  
 62 shall include the establishment of a limited public forum for student speakers at all school  
 63 events at which a student is to publicly speak. The policy regarding the limited public  
 64 forum shall also require the local school system to:

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

67 (2) Provide a method based on neutral criteria for the selection of student speakers at  
 68 nongraduation events and graduation ceremonies;

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

71 (4) State in written or oral form, or both, that the student's speech does not reflect the  
 72 endorsement, sponsorship, position, or expression of the local school system.

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

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

80 (d) All local school systems shall adopt and implement a local policy regarding a limited  
 81 public forum and voluntary student expression of religious viewpoints. If a local school  
 82 system voluntarily adopts and follows the model policy governing voluntary religious  
 83 expression in public schools contained in Code Section 20-2-94, the local school system  
 84 shall be deemed in compliance with the provisions of this article covered by the model  
 85 policy.

86 20-2-94.

87 (a) As used in this article, 'model policy' means a policy adopted by the local school  
 88 system that is comparable to the policy contained in subsection (b) of this Code section.

89 (b) The model policy shall be substantially similar to the following:

**Article I**

**Student Expression of Religious Viewpoints**

The local school system shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the local school system treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and shall not discriminate against the student based on a 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 publicly speak. For each speaker, the local school system shall set a maximum time limit reasonable and appropriate to the occasion. Student speakers shall introduce:

(1) Football games;

(2) Any other athletic events designated by the local school system;

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

(4) Any additional events designated by the local 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 are eligible to use the limited public forum: student council officers, class officers of the highest grade level in the school, captains of the football team, and other students holding positions of honor as the local school system may designate.

An eligible student shall be notified of his or her eligibility, and a student who wishes to participate as an introducing speaker shall submit his or her 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 will 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 local school system. The list

126 of student speakers shall be chronologically repeated as needed, in the same order. The  
 127 local school system may repeat the selection process each semester rather than once a year.

128 The subject of the student introductions shall be related to the purpose of the event and  
 129 to the purpose of marking the opening of the event; honoring the occasion, the participants,  
 130 and those in attendance; bringing the audience to order; and focusing the audience on the  
 131 purpose of the event. The subject shall be designated, the student shall stay on the subject,  
 132 and the student shall not engage in obscene, vulgar, offensively lewd, or indecent speech.  
 133 The local school system shall treat a student's voluntary expression of a religious  
 134 viewpoint, if any, on an otherwise permissible subject in the same manner the local school  
 135 system treats a student's voluntary expression of a secular or other viewpoint on an  
 136 otherwise permissible subject and shall not discriminate against the student based on a  
 137 religious viewpoint expressed by the student on an otherwise permissible subject.

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

145 Students who have attained special positions of honor in the school have traditionally  
 146 addressed school audiences from time to time as a tangential component of their achieved  
 147 positions of honor, such as the captains of various sports teams, student council officers,  
 148 class officers, homecoming kings and queens, and prom kings and queens, and have  
 149 attained their positions based on neutral criteria. Nothing in this article eliminates the  
 150 continuation of the practice of having these students, irrespective of grade level, address  
 151 school audiences in the normal course of their respective positions. The local school  
 152 system shall create a limited public forum for the speakers and shall treat a student's  
 153 voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject  
 154 in the same manner the local school system treats a student's voluntary expression of a  
 155 secular or other viewpoint on an otherwise permissible subject and shall not discriminate  
 156 against the student based on a religious viewpoint expressed by the student on an otherwise  
 157 permissible subject.

### 158 **Article III**

#### 159 **Student Speakers at Graduation Ceremonies**

160 The local school system hereby creates a limited public forum for a student to speak to  
 161 begin graduation ceremonies and another student to speak to end graduation ceremonies.

162 For each speaker, the local school system shall set a maximum time limit reasonable and  
163 appropriate to the occasion.

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

165 Only students who are graduating and who hold one of the following positions of honor  
166 based on neutral criteria shall be eligible to use the limited public forum: student council  
167 officers, class officers of the graduating class, the top three academically ranked graduates,  
168 or a shorter or longer list of student leaders as the local school system may designate. A  
169 student who will otherwise have a speaking role in the graduation ceremonies shall be  
170 ineligible to give the opening and closing remarks. The names of the eligible volunteering  
171 students shall be randomly drawn. The first name drawn will give the opening remarks,  
172 and the second name drawn will give the closing remarks.

173 The subject of the opening and closing remarks shall be related to the purpose of the  
174 graduation ceremony and to the purpose of marking the opening and closing of the  
175 ceremony; honoring the occasion, the participants, and those in attendance; bringing the  
176 audience to order; and focusing the audience on the purpose of the ceremony.

177 In addition to the students giving the opening and closing remarks, certain other students  
178 who have attained special positions of honor based on neutral criteria, including, without  
179 limitation, the valedictorian, may have speaking roles at a graduation ceremony. For each  
180 speaker, the local school system shall set a maximum time limit reasonable and appropriate  
181 to the occasion and to the position held by the speaker. For this purpose, the local school  
182 system creates a limited public forum for these students to deliver the addresses. The  
183 subject of the addresses must be related to the purpose of the graduation ceremony,  
184 marking and honoring the occasion, honoring the participants and those in attendance, and  
185 the student's perspective on purpose, achievement, life, school, graduation, and looking  
186 forward to the future.

187 The subject shall be designated for each student speaker, the student shall stay on the  
188 subject, and the student shall not engage in obscene, vulgar, offensively lewd, or indecent  
189 speech. The local school system shall treat a student's voluntary expression of a religious  
190 viewpoint, if any, on an otherwise permissible subject in the same manner the local school  
191 system treats a student's voluntary expression of a secular or other viewpoint on an  
192 otherwise permissible subject and shall not discriminate against the student based on a  
193 religious viewpoint expressed by the student on an otherwise permissible subject.

194 A written disclaimer shall be printed in the graduation program that states, "The students  
195 who will be speaking at the graduation ceremony were selected based on neutral criteria  
196 to deliver messages of their own choices. The content of each student speaker's message  
197 is the private expression of the individual student and does not reflect any position or  
198 expression of the local school system, the local board of education, the local school

199 system's administration, employees of the local school system, or any other graduate. The  
 200 contents of these messages were prepared by the student volunteers, and the local school  
 201 system refrained from any interaction with student speakers regarding the student speakers'  
 202 viewpoints on permissible subjects."

#### 203 Article IV

##### 204 Religious Expression in Class Assignments

205 Students may express their beliefs about religion in coursework, artwork, and other  
 206 written and oral assignments free from discrimination based on the religious content of  
 207 their submissions. Homework and classroom assignments shall be judged by ordinary  
 208 academic standards of substance and relevance and against other legitimate pedagogical  
 209 concerns identified by the local school system. Students may not be penalized or rewarded  
 210 on account of the religious content of their work. If a teacher's assignment involves writing  
 211 a poem, the work of a student who submits a poem in the form of a prayer, such as a psalm,  
 212 shall be judged on the basis of academic standards, including literary quality, and shall not  
 213 be penalized or rewarded on account of its religious content.

#### 214 Article V

##### 215 Freedom to Organize Religious Groups and Activities

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

229 20-2-95.

230 (a) This article shall not be construed to authorize this state or any of its political  
 231 subdivisions to:

232 (1) Require any person to participate in prayer or any other religious activity; or

- 233 (2) Violate the constitutional rights of any person.  
234 (b) This article shall not be construed to limit the authority of any public school to:  
235 (1) Maintain order and discipline on the campus of the public school in a content-neutral  
236 and viewpoint-neutral manner;  
237 (2) Protect the safety of students, employees, and visitors of the public school; or  
238 (3) Adopt and enforce policies and procedures regarding student speech at school,  
239 provided that the policies and procedures do not violate the rights of students as  
240 guaranteed by the United States and Georgia Constitutions and laws."

241 **SECTION 3.**

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