

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1508

By: Strohm

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6 AS INTRODUCED

7 An Act relating to schools; creating the Student and  
8 Teacher Bill of Rights Act; permitting students to  
9 pray when not engaged in school activities or  
10 instruction; permitting students to organize certain  
11 groups, clubs and gatherings; permitting teachers to  
12 take part in religious activities when not  
13 participating in their official capacities;  
14 permitting students to express their religious  
15 beliefs in assignments; prohibiting school official  
16 from selecting student speakers at assemblies or  
17 graduation events based on religious content of  
18 speech; prohibiting school officials from mandating  
19 religious ceremonies; providing that if student  
20 speakers are selected on neutral criteria, content  
21 may not be restricted because of religious content;  
22 authorizing certain individuals to initiate legal  
23 proceeding to enforce certain act; providing for  
24 codification; and providing an effective date.

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 11-101.3 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 "Student and  
Teacher Bill of Rights Act".

1           SECTION 2.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 11-101.4 of Title 70, unless  
3 there is created a duplication in numbering, reads as follows:

4           A. Students may pray when not engaged in school activities or  
5 instruction, subject to the same rules designed to prevent material  
6 disruption of the educational program that are applied to other  
7 privately initiated expressive activities. Among other things,  
8 students may read their Bibles or other scriptures, say grace before  
9 meals, and pray or study religious materials with fellow students  
10 during recess, the lunch hour or other noninstructional time to the  
11 same extent that they may engage in nonreligious activities. While  
12 school authorities may impose rules of order and pedagogical  
13 restrictions on student activities, they may not discriminate  
14 against student prayer or religious speech in applying such rules  
15 and restrictions.

16           B. Students may organize prayer groups, religious clubs and  
17 "see you at the pole" gatherings before school to the same extent  
18 that students are permitted to organize other noncurricular student  
19 activities groups. Such groups must be given the same access to  
20 school facilities for assembling as is given to other noncurricular  
21 groups, without discrimination because of the religious content of  
22 their expression. School authorities possess substantial discretion  
23 concerning whether to permit the use of school media for student  
24 advertising or announcements regarding noncurricular activities.

1 However, where student groups that meet for nonreligious activities  
2 are permitted to advertise or announce their meetings, for example,  
3 by advertising in a student newspaper, making announcements on a  
4 student activities bulletin board or public address system, or  
5 handing out leaflets, school authorities may not discriminate  
6 against groups who meet to pray. School authorities may disclaim  
7 sponsorship of noncurricular groups and events, provided they  
8 administer such disclaimers in a manner that neither favors nor  
9 disfavors groups that meet to engage in prayer or religious speech.

10 C. Teachers may take part in religious activities where the  
11 overall context makes clear that they are not participating in their  
12 official capacities. Before school or during lunch, for example,  
13 teachers may meet with other teachers for prayer or Bible study to  
14 the same extent that they may engage in other conversation or  
15 nonreligious activities. Similarly, teachers may participate in  
16 their personal capacities in privately sponsored baccalaureate  
17 ceremonies.

18 D. Students may express their beliefs about religion in  
19 homework, artwork, and other written and oral assignments free from  
20 discrimination based on the religious content of their submissions.  
21 Such home and classroom work should be judged by ordinary academic  
22 standards of substance and relevance and against other legitimate  
23 pedagogical concerns identified by the school. Thus, if a teacher's  
24 assignment involves writing a poem, the work of a student who

1 submits a poem in the form of a prayer, for example, a psalm, should  
2 be judged on the basis of academic standards, such as literary  
3 quality, and neither penalized nor rewarded on account of its  
4 religious content.

5 E. Student speakers at student assemblies and extracurricular  
6 activities such as sporting events may not be selected on a basis  
7 that either favors or disfavors religious speech. Where student  
8 speakers are selected on the basis of genuinely neutral, evenhanded  
9 criteria and retain primary control over the content of their  
10 expression, that expression is not attributable to the school and  
11 therefore may not be restricted because of its religious or  
12 antireligious content. By contrast, where school officials  
13 determine or substantially control the content of what is expressed,  
14 such speech is attributable to the school and may not include prayer  
15 or other specifically religious or antireligious content. To avoid  
16 any mistaken perception that a school endorses student speech that  
17 is not in fact attributable to the school, school officials may make  
18 appropriate, neutral disclaimers to clarify that such speech,  
19 whether religious or nonreligious, is the speaker's and not the  
20 school's.

21 F. School officials may not mandate or organize prayer at  
22 graduation or select speakers for such events in a manner that  
23 favors religious speech, such as prayer. Where students or other  
24 private graduation speakers are selected on the basis of genuinely

1 neutral, evenhanded criteria and retain primary control over the  
2 content of their expression, however, that expression is not  
3 attributable to the school and therefore may not be restricted  
4 because of its religious or nonreligious content. To avoid any  
5 mistaken perception that a school endorses a student's or other  
6 private speech that is not in fact attributable to the school,  
7 school officials may make appropriate, neutral disclaimers to  
8 clarify that such speech, whether religious or nonreligious, is the  
9 speaker's and not the school's.

10 G. School officials may not mandate or organize religious  
11 ceremonies. However, if a school makes its facilities and related  
12 services available to other private groups, it must make its  
13 facilities and services available on the same terms to organizers of  
14 privately sponsored religious baccalaureate ceremonies. In  
15 addition, a school may disclaim official endorsement of events  
16 sponsored by private groups, provided it does so in a manner that  
17 neither favors nor disfavors groups that meet to engage in prayer or  
18 religious speech.

19 H. The Attorney General of the State of Oklahoma or any private  
20 citizen is hereby authorized to initiate a legal proceeding to  
21 enforce the provisions of the Student and Teacher Bill of Rights  
22 Act.

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SECTION 3. This act shall become effective November 1, 2017.

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