
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1097 Session of
2021

INTRODUCED BY KAUFFMAN, STAMBAUGH, METCALFE, RYAN, HAMM,
ZIMMERMAN, STAATS, B. MILLER, WHEELAND, COX, ROWE, JOZWIAK
AND GILLEN, APRIL 5, 2021

REFERRED TO COMMITTEE ON EDUCATION, APRIL 5, 2021

AN ACT

1 Providing for voluntary student expression of religious
2 viewpoints in public schools; requiring public school
3 districts to allow religious expression in class assignments,
4 to provide students with the freedom to organize religious
5 groups and activities and to provide a limited public forum
6 for student speakers at nongraduation and graduation events;
7 and providing for a model policy for voluntary religious
8 expression in public schools.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Short title.

12 This act shall be known and may be cited as the Student
13 Religious Liberties Act.

14 Section 2. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Department." The Department of Education of the
19 Commonwealth.

20 "Public school entity." Any of the following:

1 (1) A school district, as defined in section 102 of the
2 act of March 10, 1949 (P.L.30, No.14), known as the Public
3 School Code of 1949.

4 (2) A charter school, cyber charter school or regional
5 charter school, as defined in section 1703-A of the Public
6 School Code of 1949.

7 (3) An intermediate unit, as established pursuant to
8 Article IX-A of the Public School Code of 1949.

9 (4) An area vocational-technical school, as established
10 pursuant to Article XVIII of the Public School Code of 1949.
11 Section 3. Student expression.

12 (a) Prohibition.--A public school entity may not
13 discriminate against a student or parent on the basis of a
14 religious viewpoint or religious expression.

15 (b) Treatment.--A public school entity shall treat a
16 student's voluntary expression of a religious viewpoint on an
17 otherwise permissible subject in the same manner that the public
18 school entity treats a student's voluntary expression of a
19 secular or other viewpoint on an otherwise permissible subject
20 and may not discriminate against the student based on a
21 religious viewpoint expressed by the student on an otherwise
22 permissible subject.

23 Section 4. Religious expression in a class assignment.

24 (a) Expression permitted.--A student may express the
25 student's beliefs about religion in homework, artwork and other
26 written and oral assignments free from discrimination based on
27 the religious content of the submission. Homework and
28 assignments must be judged by ordinary academic standards of
29 substance and relevance and against other legitimate pedagogical
30 concerns identified by the public school entity.

1 (b) Penalty or reward prohibited.--

2 (1) A public school entity may not penalize or reward a
3 student based on the religious content of the student's work.

4 (2) If an assignment requires a student's viewpoint to
5 be expressed in coursework, artwork or written or oral
6 assignments, a public school entity may not penalize or
7 reward a student on the basis of religious content or a
8 religious viewpoint. In evaluating an assignment under this
9 paragraph, a public school entity shall evaluate a student's
10 academic work that expresses a religious viewpoint based on
11 ordinary academic standards of substance and relevance to the
12 course curriculum or requirements of the coursework or
13 assignment.

14 Section 5. Freedom to organize a religious group and activity.

15 (a) Time.--A student enrolled in a public school entity may
16 pray or engage in a religious activity or religious expression
17 before, during and after the school day in the same manner and
18 to the same extent as a student may engage in secular activities
19 or expression.

20 (b) Organization.--A student enrolled in a public school
21 entity may organize a prayer group, religious club or other
22 religious gathering before, during and after the school day to
23 the same extent as a student is permitted to organize a secular,
24 noncurricular student group or activity.

25 (c) Access.--A public school entity shall provide a
26 religious group the same access to a school facility for
27 assembling as the public school entity provides to secular,
28 noncurricular groups without discrimination based on the
29 religious content of the students' expression or religious
30 viewpoint of the group.

1 (d) Advertisement.--If a public school entity permits a
2 student group that meets for secular activities to use school
3 premises, property or services to advertise or announce group
4 meetings, the public school entity shall permit a student group
5 that meets for prayer or other religious speech the same access
6 to school premises, property or services to advertise or
7 announce group meetings.

8 (e) Disclaimer.--A public school entity may disclaim school
9 sponsorship of noncurricular groups and events in a manner that
10 neither favors nor disfavors groups that meet to engage in
11 prayer or religious speech.

12 (f) Clothing.--A student enrolled in a public school entity
13 may wear clothing, accessories and jewelry that display a
14 religious message or religious symbol in the same manner and to
15 the same extent that a student may wear clothing, accessories
16 and jewelry that display a secular message or symbol.

17 Section 6. Limited public forum.

18 (a) General rule.--A public school entity shall establish a
19 limited public forum for student speakers at any school event at
20 which a student will publicly speak and shall:

21 (1) Not discriminate against a student's voluntary
22 expression of a religious viewpoint on an otherwise
23 permissible subject.

24 (2) Develop and utilize a method, based on neutral
25 criteria, for the selection of one or more student speakers
26 at school events, including, but not limited to, a graduation
27 ceremony.

28 (3) Ensure that a student speaker does not engage in
29 obscene, vulgar, offensively lewd or indecent speech.

30 (4) State in writing, orally or both that the student's

1 speech does not reflect the endorsement, sponsorship,
2 position or expression of the public school entity. The
3 disclaimer required under this paragraph shall be provided at
4 graduation ceremonies and at any other event in which a
5 student speaks publicly.

6 (b) Exclusion prohibited.--A public school entity may not
7 exclude student expression on an otherwise permissible subject
8 from the limited public forum because the student expresses a
9 religious viewpoint.

10 Section 7. Policy.

11 (a) Model policy.--Not later than October 1, 2021, the
12 department shall develop a model policy for public school
13 entities that is consistent with this act. The department shall
14 post the model policy on its publicly accessible Internet
15 website.

16 (b) Public school entity policy.--

17 (1) Not later than January 1, 2022, each public school
18 entity shall:

19 (i) adopt the model policy developed by the
20 department pursuant to subsection (a);

21 (ii) develop and adopt its own policy related to
22 student religious liberties that is consistent with this
23 act; or

24 (iii) amend an existing policy related to student
25 religious liberties in a manner consistent with this act.

26 (2) The public school entity shall post the policy
27 required under paragraph (1) on its publicly accessible
28 Internet website, if available, in every classroom and at a
29 prominent location within each school building where such
30 policies are usually posted.

1 Section 8. Limitations.

2 (a) Participation not required.--This act shall not be
3 construed to authorize this Commonwealth or any public school
4 entity to do any of the following:

5 (1) Require an individual to participate in prayer or in
6 any other religious activity.

7 (2) Violate the constitutional rights of an individual.

8 (b) Authority preserved.--This act may not be construed to
9 limit the authority of a public school entity to do any of the
10 following:

11 (1) Maintain order and discipline on its school campus
12 in a manner that does not discriminate against a student's
13 religious viewpoint or the religious content of a student's
14 expression.

15 (2) Protect the safety of a student, employee or visitor
16 of a school.

17 (3) Adopt and enforce policies and procedures regarding
18 student speech at school if the policies and procedures do
19 not violate the rights of students under the Constitution of
20 the United States and the laws of this Commonwealth.

21 Section 9. Effective date.

22 This act shall take effect July 1, 2021, or immediately,
23 whichever is later.