

House Bill 733

By: Representatives Kirby of the 114th, Dutton of the 157th, Stover of the 71st, Cooke of the 18th, Kelley of the 16th, 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 classroom
5 assignments; to provide that local school systems shall provide students with the freedom to
6 organize religious groups and activities and to wear clothing that displays religious messages
7 or symbols; to provide that local school systems shall provide a limited public forum for
8 student speakers; to provide for related matters; to repeal conflicting laws; and for other
9 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 other 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:

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 school 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) Authorize the local school system to state in written or oral form, or both, that the
 72 student's speech does not reflect the endorsement, sponsorship, position, or expression
 73 of the local school system.

74 (b) The local school system disclaimer authorized by paragraph (4) of subsection (a) of
 75 this Code section shall be provided at all limited public forums to dispel confusion over the
 76 local school system's nonsponsorship of the student's speech.

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

79 20-2-94.

80 This article shall not be construed to authorize this state or any of its political subdivisions
 81 to:

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

83 (2) Violate the constitutional rights of any person."

84 **SECTION 3.**

85 All laws and parts of laws in conflict with this Act are repealed.