

By Senator Baxley

12-00655-17

2017436__

1 A bill to be entitled
2 An act relating to religious expression in public
3 schools; providing a short title; prohibiting a school
4 district from discriminating against students,
5 parents, or school personnel on the basis of religious
6 viewpoints or expression; prohibiting penalty or
7 reward for a student's religious expression in
8 coursework, artwork, or other specified assignments;
9 authorizing a student to wear clothing, accessories,
10 and jewelry displaying religious messages or symbols;
11 authorizing a student to pray or engage in religious
12 activities or expression; authorizing a student to
13 organize prayer groups, religious clubs, and other
14 religious gatherings; prohibiting a school district
15 from preventing school personnel from participating in
16 voluntary, student-initiated religious activities on
17 school grounds under specified circumstances;
18 requiring a school district to comply with the federal
19 requirements in Title VII of the Civil Rights Act of
20 1964; requiring that a school district provide
21 religious groups with equal access to school
22 facilities; authorizing religious groups to advertise
23 or announce meetings in the same manner and to the
24 same extent as secular groups; requiring that a school
25 district adopt a limited public forum policy and
26 deliver a disclaimer at school events; requiring that
27 the Department of Education develop and publish a
28 model policy regarding a limited public forum and
29 religious expression; requiring that each district
30 school board adopt and implement such model policy;
31 providing an effective date.
32

12-00655-17

2017436__

33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Religious expression in public schools.—

36 (1) This section may be cited as the "Florida Student and
37 School Personnel Religious Liberties Act."

38 (2) A school district may not discriminate against a
39 student, parent, or school personnel on the basis of a religious
40 viewpoint or religious expression. A school district shall treat
41 a student's voluntary expression of a religious viewpoint on an
42 otherwise permissible subject in the same manner that the school
43 district treats a student's voluntary expression of a secular
44 viewpoint.

45 (3) (a) A student may express his or her religious beliefs
46 in coursework, artwork, and other written and oral assignments
47 free from discrimination. A student's homework and classroom
48 assignments shall be evaluated, regardless of their religious
49 content, based on expected academic standards relating to the
50 course curriculum and requirements. A student may not be
51 penalized or rewarded based on the religious content of his or
52 her work if the coursework, artwork, or other written or oral
53 assignments require a student's viewpoint to be expressed.

54 (b) A student may wear clothing, accessories, and jewelry
55 that display a religious message or symbol in the same manner
56 and to the same extent that secular types of clothing,
57 accessories, and jewelry that display messages or symbols are
58 permitted to be worn.

59 (4) (a) A student may pray or engage in religious activities
60 or religious expression before, during, and after the school day
61 in the same manner and to the same extent that a student may

12-00655-17

2017436__

62 engage in secular activities or expression. A student may
63 organize prayer groups, religious clubs, and other religious
64 gatherings before, during, and after the school day in the same
65 manner and to the same extent that a student is permitted to
66 organize secular activities and groups.

67 (b)1. A school district may not prevent school personnel
68 from participating in religious activities on school grounds
69 that are initiated by students at reasonable times before or
70 after the school day if such activities are voluntary and do not
71 conflict with the responsibilities or assignments of such
72 personnel.

73 2. A school district shall comply with the federal
74 requirements in Title VII of the Civil Rights Act of 1964, which
75 prohibits an employer from discriminating against an employee on
76 the basis of religion.

77 (c) A school district shall give a religious group access
78 to the same school facilities for assembling as given to secular
79 groups without discrimination based on the religious content of
80 the group's expression. A group that meets for prayer or other
81 religious speech may advertise or announce its meetings in the
82 same manner and to the same extent that a secular group may
83 advertise or announce its meetings.

84 (5) (a) A school district shall adopt a policy that
85 establishes a limited public forum for student speakers at any
86 school event at which a student is to speak publicly. The
87 limited public forum policy shall require the school district
88 to:

89 1. Provide the forum in a manner that does not discriminate
90 against a student's voluntary expression of a religious

12-00655-17

2017436__

91 viewpoint on an otherwise permissible subject;

92 2. Provide a method based on neutral criteria for the
93 selection of student speakers at school events, activities, and
94 graduation ceremonies;

95 3. Ensure that a student speaker does not engage in
96 obscene, vulgar, offensively lewd, or indecent speech; and

97 4. State in written or oral form that the student's speech
98 does not reflect the endorsement, sponsorship, position, or
99 expression of the school district.

100 (b) The school district shall deliver the disclaimer
101 required in subparagraph (a)4. at all graduation events and any
102 other event at which a student speaks publicly.

103 (c) Student expression of a religious viewpoint on an
104 otherwise permissible subject may not be excluded from the
105 limited public forum.

106 (6) The Department of Education shall develop a model
107 policy regarding a limited public forum and voluntary expression
108 of religious viewpoints by students and school personnel in
109 public schools pursuant to this section. The department shall
110 publish the model policy on its website. Each district school
111 board shall adopt and implement the department's model policy.

112 Section 2. This act shall take effect July 1, 2017.