

SECOND REGULAR SESSION

HOUSE BILL NO. 1303

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HAAHR (Sponsor), JONES (110), SPENCER, BAHR, REHDER, AUSTIN, WALKER, HOUGH, HICKS, HINSON, CORNEJO, MILLER, JONES (50), FITZPATRICK, RHOADS, BERRY, CURTMAN, KOLKMEYER, MAYFIELD, ROWDEN, ANDERSON, KELLEY (127), GUERNSEY, ELMER, FRAKER, MESSENGER, MOON, HURST, POGUE, MUNTZEL, REMOLE, WILSON, REIBOLDT, LOVE, JUSTUS, ENTLICHER, JOHNSON, ROSS, WOOD, HAEFNER, REDMON, MCGAUGH, SWAN, HOSKINS, NETH, THOMSON, SHUMAKE, HANSEN, PIKE, COOKSON, DAVIS, LYNCH, FRANKLIN, MOLENDORP, BRATTIN, DOHRMAN, CONWAY (104), KORMAN, CROSS, PHILLIPS, GOSEN, ENGLER, ROWLAND, MORRIS AND GRISAMORE (Co-sponsors).

5143H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 160, RSMo, by adding thereto one new section relating to religious liberties of students.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 160, RSMo, is amended by adding thereto one new section, to be known as section 160.2500, to read as follows:

160.2500. 1. This section shall be known and may be cited as the “Missouri Student Religious Liberties Act”.

2. A public school district shall not discriminate against students or parents on the basis of a religious viewpoint or religious expression. A school district shall treat a student’s voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student’s voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

3. Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Homework and classroom assignments must be judged by ordinary

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 academic standards of substance and relevance and against other legitimate pedagogical
14 concerns identified by the school district. Students may not be penalized or rewarded on
15 account of the religious content of their work. If an assignment requires a student's
16 viewpoints to be expressed in course work, artwork or other written or oral assignments,
17 a public school district shall not penalize or reward a student on the basis of religious
18 content or a religious viewpoint. In such an assignment, a student's academic work that
19 expresses a religious viewpoint shall be evaluated based on ordinary academic standards
20 of substance and relevance to the course curriculum or requirements of the course work
21 or assignment.

22 4. Students in public schools may pray or engage in religious activities or religious
23 expression before, during and after the school day in the same manner and to the same
24 extent that students may engage in nonreligious activities or expression. Students may
25 organize prayer groups, religious clubs, "see you at the pole" gatherings, or other religious
26 gatherings before, during and after school to the same extent that students are permitted
27 to organize other noncurricular student activities and groups. Religious groups must be
28 given the same access to school facilities for assembling as is given to other noncurricular
29 groups without discrimination based on the religious content of the student's expression.
30 If student groups that meet for nonreligious activities are permitted to advertise or
31 announce meetings of the groups, the school district may not discriminate against groups
32 that meet for prayer or other religious speech. A school district may disclaim school
33 sponsorship of noncurricular groups and events in a manner that neither favors nor
34 disfavors groups that meet to engage in prayer or religious speech.

35 5. Students in public schools may wear clothing, accessories and jewelry that
36 display religious messages or religious symbols in the same manner and to the same extent
37 that other types of clothing, accessories and jewelry that display messages or symbols are
38 permitted.

39 6. (1) To ensure that the school district does not discriminate against a student's
40 publicly stated voluntary expression of a religious viewpoint, if any, and to eliminate any
41 actual or perceived affirmative school sponsorship or attribution to the district of a
42 student's expression of a religious viewpoint, if any, a school district shall adopt a policy,
43 which must include the establishment of a limited public forum for student speakers at all
44 school events at which a student is to publicly speak. The policy regarding the limited
45 public forum must also require the school district to:

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

48 (b) Provide a method, based on neutral criteria, for the selection of student
49 speakers at school events and graduation ceremonies;

50 (c) Ensure that a student speaker does not engage in obscene, vulgar, offensively
51 lewd or indecent speech; and

52 (d) State, in writing, orally, or both, that the student's speech does not reflect the
53 endorsement, sponsorship, position or expression of the district.

54 (2) The school district disclaimer required by paragraph (d) of subdivision (1) of
55 this subsection must be provided at all graduation ceremonies. The school district must
56 also continue to provide the disclaimer at any other event in which a student speaks
57 publicly for as long as a need exists to dispel confusion over the district's nonsponsorship
58 of the student's speech.

59 (3) Student expression on an otherwise permissible subject may not be excluded
60 from the limited public forum because the subject is expressed from a religious viewpoint.

61 (4) All public school districts shall adopt and implement a local policy regarding
62 a limited public forum and voluntary student expression of religious viewpoints. If a
63 school district voluntarily adopts and follows the model policy governing voluntary
64 religious expression in public schools as provided by subsection 7 of this section, the district
65 shall be deemed in compliance with the provisions of this section.

66 7. The department of elementary and secondary education shall develop a model
67 policy governing voluntary religious expression in public schools which may be adopted
68 by public school districts.

69 8. The provisions of this section shall not be construed to authorize this state or any
70 of its political subdivisions to either:

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

73 (2) Violate the constitutional rights of any person.

74 9. The provisions of this section shall not be construed to limit the authority of any
75 public school to do any of the following:

76 (1) Maintain order and discipline on the campus of the public school in a content
77 and viewpoint neutral manner;

78 (2) Protect the safety of students, employees and visitors of the public school;

79 (3) Adopt and enforce policies and procedures regarding student speech at school,
80 provided that the policies and procedures do not violate the rights of students as
81 guaranteed by law.

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