

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1303

97TH GENERAL ASSEMBLY

5143H.02P

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 shall 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 shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school district. Students shall not be penalized or rewarded on account of the religious content of their work. If an assignment requires a student’s viewpoints to be expressed in course work, artwork or other written or oral assignments, a public school district shall not penalize or reward a student on the basis of religious

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.

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, provided that such
25 religious expression or religious activities are not disruptive of scheduled instructional time
26 or other educational activities and do not impede access to school facilities or mobility on
27 school premises. Students may organize prayer groups, religious clubs, or other religious
28 gatherings before, during and after school to the same extent that students are permitted
29 to organize other noncurricular student activities and groups. Religious groups shall be
30 given the same access to school facilities for assembling as is given to other noncurricular
31 groups without discrimination based on the religious content of the student's expression.
32 If student groups that meet for nonreligious activities are permitted to advertise or
33 announce meetings of the groups, the school district shall not discriminate against groups
34 that meet for prayer or other religious speech. A school district may disclaim school
35 sponsorship of noncurricular groups and events in a manner that neither favors nor
36 disfavors groups that meet to engage in prayer or religious speech.

37 5. Students in public schools may wear clothing, accessories and jewelry that
38 display religious messages or religious symbols in the same manner and to the same extent
39 that other types of clothing, accessories and jewelry that display messages or symbols are
40 permitted, as specified in subsection 7 of section 167.166.

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

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

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

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

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

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

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

63 (4) All public school districts shall adopt and implement a local policy regarding
64 a limited public forum and voluntary student expression of religious viewpoints.

65 7. The provisions of this section shall not be construed to authorize this state or any
66 of its political subdivisions to either:

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

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

70 8. The provisions of this section shall not be construed to limit the authority of any
71 public school to do any of the following:

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

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

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

78 9. The provisions of section 1.140 are applicable to this section.

✓