

HCS HB 1303 -- MISSOURI STUDENT RELIGIOUS LIBERTIES ACT

SPONSOR: Haahr

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Elementary and Secondary Education by a vote of 14 to 7.

This bill establishes the Missouri Student Religious Liberties Act, which prohibits a school district from discriminating against a student or parent on the basis of religious viewpoint or expression. Religious viewpoints must be treated like secular viewpoints on an otherwise permissible subject. Students may express their religious beliefs in homework, artwork, and other written and oral assignments, to be judged on ordinary academic standards. Students must be allowed to pray or engage in religious activities before, during, and after school to the same extent they engage in nonreligious activities and must be given the same access to facilities as other noncurricular groups, including the ability to advertise or announce meetings. Students must be permitted to wear and display religious messages and symbols to the same extent other messages and symbols are permitted.

Each school district must adopt a policy that includes the establishment of a limited public forum for student speakers at all school events at which a student is to speak in public. The forum must not discriminate against a student's voluntary expression of a religious viewpoint, must provide a method for the neutral selection of student speakers, ensure the student does not engage in vulgar or indecent speech, and state that a student speech does not reflect the district's endorsement or sponsorship. The sponsorship disclaimer must be provided at all graduation ceremonies and in any situation where a need exists to dispel confusion over sponsorship of speech. The law must not be construed to allow the state or a school district to require participation in prayer or to violate any person's constitutional rights, nor to limit the power of any public school to maintain order, protect student safety, or adopt and enforce policies on student speech that do not violate the rights of students under the law.

PROPONENTS: Supporters say that schools frequently misunderstand and overcorrect any expression of religion. The bill codifies the case law on the subject, so schools have a better idea of what is permissible and what is not.

Testifying for the bill were Representative Haahr; Missouri Family Policy Council; Missouri Family Network; Missouri Baptist Convention; Christian Life Commission; Concerned Women of America of Missouri; and Chelsea Moore.

OPPONENTS: Those who oppose the bill say that this bill carries a high probability of litigation. School staff need training on this subject.

Testifying against the bill was the Anti-Defamation League.

OTHERS: Others testifying on the bill say the current state of the law on religious expression in schools turns partially on what is not disruptive or coercive. Some religious holidays have become secularized to the point that people outside a faith may participate in them, which usually makes them permissible in schools.

Testifying on the bill was American Civil Liberties Union.