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To: Education

SENATE BILL NO. 2633

1 AN ACT TO ENACT THE "MISSISSIPPI STUDENT RELIGIOUS LIBERTIES
2 ACT OF 2013"; TO PROVIDE FOR VOLUNTARY STUDENT EXPRESSION OF
3 RELIGIOUS VIEWPOINTS IN PUBLIC SCHOOLS; TO PROVIDE THAT PUBLIC
4 SCHOOL DISTRICTS SHALL ALLOW RELIGIOUS EXPRESSION IN CLASS
5 ASSIGNMENTS; TO PROVIDE THAT PUBLIC SCHOOL DISTRICTS SHALL PROVIDE
6 STUDENTS WITH THE FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND
7 ACTIVITIES; TO PROVIDE THAT PUBLIC SCHOOL DISTRICTS SHALL PROVIDE
8 A LIMITED PUBLIC FORUM FOR STUDENT SPEAKERS AT NONGRADUATION AND
9 GRADUATION EVENTS; TO PROVIDE A MODEL POLICY FOR VOLUNTARY
10 RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** This act shall be known and may be cited as the
13 "Mississippi Student Religious Liberties Act of 2013."

14 **SECTION 2.** **Student expression.** A public school district
15 shall not discriminate against students or parents on the basis of
16 a religious viewpoint or religious expression. A school district
17 shall treat a student's voluntary expression of a religious
18 viewpoint, if any, on an otherwise permissible subject in the same
19 manner the district treats a student's voluntary expression of a
20 secular or other viewpoint on an otherwise permissible subject and
21 may not discriminate against the student based on a religious



22 viewpoint expressed by the student on an otherwise permissible
23 subject.

24 **SECTION 3. Religious expression in class assignments.**

25 Students may express their beliefs about religion in homework,
26 artwork, and other written and oral assignments free from
27 discrimination based on the religious content of their
28 submissions. Homework and classroom assignments must be judged by
29 ordinary academic standards of substance and relevance and against
30 other legitimate pedagogical concerns identified by the school
31 district. Students may not be penalized or rewarded on account of
32 the religious content of their work. If an assignment requires a
33 student's viewpoint to be expressed in coursework, artwork or
34 other written or oral assignments, a public school shall not
35 penalize or reward a student on the basis of religious content or
36 a religious viewpoint. In such an assignment, a student's
37 academic work that expresses a religious viewpoint shall be
38 evaluated based on ordinary academic standards of substance and
39 relevance to the course curriculum or requirements of the
40 coursework or assignment.

41 **SECTION 4. Freedom to organize religious groups and**

42 **activities.** Students in public schools may pray or engage in
43 religious activities or religious expression before, during and
44 after the school day in the same manner and to the same extent
45 that students may engage in nonreligious activities or expression.
46 Students may organize prayer groups, religious clubs, "see you at



47 the pole" gatherings, or other religious gatherings before, during
48 and after school to the same extent that students are permitted to
49 organize other noncurricular student activities and groups.
50 Religious groups must be given the same access to school
51 facilities for assembling as is given to other noncurricular
52 groups without discrimination based on the religious content of
53 the students' expression. If student groups that meet for
54 nonreligious activities are permitted to advertise or announce
55 meetings of the groups, the school district may not discriminate
56 against groups that meet for prayer or other religious speech. A
57 school district may disclaim school sponsorship of noncurricular
58 groups and events in a manner that neither favors nor disfavors
59 groups that meet to engage in prayer or religious speech.

60 Students in public schools may wear clothing, accessories and
61 jewelry that display religious messages or religious symbols in
62 the same manner and to the same extent that other types of
63 clothing, accessories and jewelry that display messages or symbols
64 are permitted.

65 **SECTION 5. Limited public forum; school district policy.**

66 (1) To ensure that the school district does not discriminate
67 against a student's publicly stated voluntary expression of a
68 religious viewpoint, if any, and to eliminate any actual or
69 perceived affirmative school sponsorship or attribution to the
70 district of a student's expression of a religious viewpoint, if
71 any, a school district shall adopt a policy, which must include



72 the establishment of a limited public forum for student speakers
73 at all school events at which a student is to publicly speak. The
74 policy regarding the limited public forum must also require the
75 school district to:

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

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

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

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

87 (2) The school district disclaimer required by subsection
88 (1)(d) of this section must be provided at all graduation
89 ceremonies. The school district must also continue to provide the
90 disclaimer at any other event in which a student speaks publicly
91 for as long as a need exists to dispel confusion over the
92 district's nonsponsorship of the student's speech.

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



96 (4) All school districts shall adopt and implement a local
97 policy regarding a limited public forum and voluntary student
98 expression of religious viewpoints. If a school district
99 voluntarily adopts and follows the model policy governing
100 voluntary religious expression in public schools as provided by
101 subsection (5) of this section, the district is in compliance with
102 the provisions of this act covered by the model policy.

103 (5) **Model policy governing voluntary religious expression in**
104 **public schools.** In this section, "model policy" means a local
105 policy adopted by the school district that is substantially
106 similar to the following:

107 **ARTICLE I**

108 **STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS**

109 The school district shall treat a student's voluntary
110 expression of a religious viewpoint, if any, on an otherwise
111 permissible subject in the same manner the district treats a
112 student's voluntary expression of a secular or other viewpoint on
113 an otherwise permissible subject and may not discriminate against
114 the student based on a religious viewpoint expressed by the
115 student on an otherwise permissible subject.

116 **ARTICLE II**

117 **STUDENT SPEAKERS AT NONGRADUATION EVENTS**

118 The school district hereby creates a limited public forum for
119 student speakers at all school events at which a student is to
120 publicly speak. For each speaker, the district shall set a



121 maximum time limit reasonable and appropriate to the occasion.

122 Student speakers shall introduce:

123 (a) Football games;

124 (b) Any other athletic events designated by the
125 district;

126 (c) Opening announcements and greetings for the school
127 day; and

128 (d) Any additional events designated by the district,
129 which may include, without limitation, assemblies and pep rallies.

130 The forum shall be limited in the manner provided by this
131 article.

132 Only those students in the highest two (2) grade levels of
133 the school and who hold one (1) of the following positions of
134 honor based on neutral criteria are eligible to use the limited
135 public forum: student council officers, class officers of the
136 highest grade level in the school, captains of the football team,
137 and other students holding positions of honor as the school
138 district may designate.

139 An eligible student shall be notified of the student's
140 eligibility, and a student who wishes to participate as an
141 introducing speaker shall submit the student's name to the student
142 council or other designated body during an announced period of not
143 less than three (3) days. The announced period may be at the
144 beginning of the school year, at the end of the preceding school
145 year so student speakers are in place for the new year, or, if the



146 selection process will be repeated each semester, at the beginning
147 of each semester or at the end of the preceding semester so
148 speakers are in place for the next semester. The names of the
149 volunteering student speakers shall be randomly drawn until all
150 names have been selected, and the names shall be listed in the
151 order drawn. Each selected student will be matched
152 chronologically to the event for which the student will be giving
153 the introduction. Each student may speak for one (1) week at a
154 time for all introductions of events that week, or rotate after
155 each speaking event, or otherwise as determined by the district.
156 The list of student speakers shall be chronologically repeated as
157 needed, in the same order. The district may repeat the selection
158 process each semester rather than once a year.

159 The subject of the student introductions must be related to
160 the purpose of the event and to the purpose of marking the opening
161 of the event, honoring the occasion, the participants, and those
162 in attendance, bringing the audience to order, and focusing the
163 audience on the purpose of the event. The subject must be
164 designated, a student must stay on the subject, and the student
165 may not engage in obscene, vulgar, offensively lewd or indecent
166 speech. The school district shall treat a student's voluntary
167 expression of a religious viewpoint, if any, on an otherwise
168 permissible subject in the same manner the district treats a
169 student's voluntary expression of a secular or other viewpoint on
170 an otherwise permissible subject and may not discriminate against



171 the student based on a religious viewpoint expressed by the
172 student on an otherwise permissible subject.

173 For as long as there is a need to dispel confusion over the
174 nonsponsorship of the student's speech at each event in which a
175 student will deliver an introduction, a disclaimer shall be stated
176 in written or oral form, or both, such as, "The student giving the
177 introduction for this event is a volunteering student selected on
178 neutral criteria to introduce the event. The content of the
179 introduction is the private expression of the student and does not
180 reflect the endorsement, sponsorship, position or expression of
181 the school district."

182 Certain students who have attained special positions of honor
183 in the school have traditionally addressed school audiences from
184 time to time as a tangential component of their achieved positions
185 of honor, such as the captains of various sports teams, student
186 council officers, class officers, homecoming kings and queens,
187 prom kings and queens, and the like, and have attained their
188 positions based on neutral criteria. Nothing in this policy
189 eliminates the continuation of the practice of having these
190 students, irrespective of grade level, address school audiences in
191 the normal course of their respective positions. The school
192 district shall create a limited public forum for the speakers and
193 shall treat a student's voluntary expression of a religious
194 viewpoint, if any, on an otherwise permissible subject in the same
195 manner the district treats a student's voluntary expression of a



196 secular or other viewpoint on an otherwise permissible subject and
197 may not discriminate against the student based on a religious
198 viewpoint expressed by the student on an otherwise permissible
199 subject.

200 **ARTICLE III**

201 **STUDENT SPEAKERS AT GRADUATION CEREMONIES**

202 The school district hereby creates a limited public forum
203 consisting of an opportunity for a student to speak to begin
204 graduation ceremonies and another student to speak to end
205 graduation ceremonies. For each speaker, the district shall set a
206 maximum time limit reasonable and appropriate to the occasion.

207 The forum shall be limited in the manner provided by this
208 article.

209 Only students who are graduating and who hold one (1) of the
210 following neutral criteria positions of honor shall be eligible to
211 use the limited public forum: student council officers, class
212 officers of the graduating class, the top three (3) academically
213 ranked graduates, or a shorter or longer list of student leaders
214 as the school district may designate. A student who will
215 otherwise have a speaking role in the graduation ceremonies is
216 ineligible to give the opening and closing remarks. The names of
217 the eligible volunteering students will be randomly drawn. The
218 first name drawn will give the opening and the second name drawn
219 will give the closing.



220 The topic of the opening and closing remarks must be related
221 to the purpose of the graduation ceremony and to the purpose of
222 marking the opening and closing of the event, honoring the
223 occasion, the participants, and those in attendance, bringing the
224 audience to order, and focusing the audience on the purpose of the
225 event.

226 In addition to the students giving the opening and closing
227 remarks, certain other students who have attained special
228 positions of honor based on neutral criteria, including, without
229 limitation, the valedictorian, will have speaking roles at
230 graduation ceremonies. For each speaker, the school district
231 shall set a maximum time limit reasonable and appropriate to the
232 occasion and to the position held by the speaker. For this
233 purpose, the district creates a limited public forum for these
234 students to deliver the addresses. The subject of the addresses
235 must be related to the purpose of the graduation ceremony, marking
236 and honoring the occasion, honoring the participants and those in
237 attendance, and the student's perspective on purpose, achievement,
238 life, school, graduation, and looking forward to the future.

239 The subject must be designated for each student speaker, the
240 student must stay on the subject, and the student may not engage
241 in obscene, vulgar, offensively lewd or indecent speech. The
242 school district shall treat a student's voluntary expression of a
243 religious viewpoint, if any, on an otherwise permissible subject
244 in the same manner the district treats a student's voluntary



245 expression of a secular or other viewpoint on an otherwise
246 permissible subject and may not discriminate against the student
247 based on a religious viewpoint expressed by the student on an
248 otherwise permissible subject.

249 A written disclaimer shall be printed in the graduation
250 program that states, "The students who will be speaking at the
251 graduation ceremony were selected based on neutral criteria to
252 deliver messages of the students' own choices. The content of
253 each student speaker's message is the private expression of the
254 individual student and does not reflect any position or expression
255 of the school district or the board of trustees, or the district's
256 administration, or employees of the district, or the views of any
257 other graduate. The contents of these messages were prepared by
258 the student volunteers, and the district refrained from any
259 interaction with student speakers regarding the student speakers'
260 viewpoints on permissible subjects."

261 **ARTICLE IV**

262 **RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS**

263 Students may express the students' beliefs about religion in
264 homework, artwork, and other written and oral assignments free
265 from discrimination based on the religious content of the
266 students' submission. Homework and classroom work shall be judged
267 by ordinary academic standards of substance and relevance and
268 against other legitimate pedagogical concerns identified by the
269 school. Students may not be penalized or rewarded on account of



270 religious content. If a teacher's assignment involves writing a
271 poem, the work of a student who submits a poem in the form of a
272 prayer (for example, a psalm) should be judged on the basis of
273 academic standards, including literary quality, and not penalized
274 or rewarded on account of its religious content.

275 **ARTICLE V**

276 **FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES**

277 Students may organize prayer groups, religious clubs, "see
278 you at the pole" gatherings, and other religious gatherings
279 before, during and after school to the same extent that students
280 are permitted to organize other noncurricular student activities
281 and groups. Religious groups must be given the same access to
282 school facilities for assembling as is given to other
283 noncurricular groups, without discrimination based on the
284 religious content of the group's expression. If student groups
285 that meet for nonreligious activities are permitted to advertise
286 or announce the groups' meetings, for example, by advertising in a
287 student newspaper, putting up posters, making announcements on a
288 student activities bulletin board or public address system, or
289 handing out leaflets, school authorities may not discriminate
290 against groups that meet for prayer or other religious speech.
291 School authorities may disclaim sponsorship of noncurricular
292 groups and events, provided they administer the disclaimer in a
293 manner that does not favor or disfavor groups that meet to engage
294 in prayer or other religious speech.



295 **SECTION 6.** This act shall not be construed to authorize this
296 state or any of its political subdivisions to do either of the
297 following:

298 (a) Require any person to participate in prayer or in
299 any other religious activity.

300 (b) Violate the constitutional rights of any person.

301 **SECTION 7.** This act shall not be construed to limit the
302 authority of any public school to do any of the following:

303 (a) Maintain order and discipline on the campus of the
304 public school in a content and viewpoint neutral manner.

305 (b) Protect the safety of students, employees and
306 visitors of the public school.

307 (c) Adopt and enforce policies and procedures regarding
308 student speech at school provided that the policies and procedures
309 do not violate the rights of students as guaranteed by the United
310 States and Mississippi constitutions and laws.

311 **SECTION 8.** This act applies beginning with the 2013-2014
312 school year.

313 **SECTION 9.** This act shall take effect and be in force from
314 and after July 1, 2013.

