HB 1388 - AS INTRODUCED

2014 SESSION

 $\frac{14\text{-}2343}{04/05}$

HOUSE BILL1388AN ACTrelative to student religious liberties.SPONSORS:Rep. Peterson, Hills 21; Rep. LeBrun, Hills 32; Rep. Burt, Hills 6; Rep. Notter,
Hills 21COMMITTEE:Education

ANALYSIS

This bill inserts provisions relative to the status of student religious liberties.

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Explanation:Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1388 - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to student religious liberties.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subdivision; Student Religious Liberties. Amend RSA 189 by inserting after section 64 2 the following new subdivision:

 $\frac{3}{4}$

Student Religious Liberties

189:65 Student Religious Liberties.

 $\mathbf{5}$ I. No school district shall discriminate against students or parents on the basis of a religious 6 viewpoint or on the basis of religious expression. A school district shall treat a student's voluntary 7expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner 8 the institution treats a student's voluntary expression of a secular or other viewpoint on an 9 otherwise permissible subject and may not discriminate against the student based on a religious 10 viewpoint expressed by the student on an otherwise permissible subject. This would include, but not 11 be limited to, any and all coursework, artwork, or other written or oral assignments. Students in 12school districts may pray or engage in religious activities or religious expression before, during, and 13after the school day in the same manner and to the same extent that students may engage in 14nonreligious activities or expression.

II. Faculty or student volunteers may recite the pledge of allegiance, in its entirety, over the
 public address system at the beginning of each school day.

III. Students may organize prayer groups, religious clubs, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the students' expression. If student groups that meet for nonreligious activities are permitted to advertise or announce meetings of the groups, the school district shall not discriminate against groups that meet for prayer or other religious speech.

- IV. Students in school districts may wear clothing, accessories, and jewelry that display religious messages or religious symbols in the same manner and to the same extent that other types of clothing, accessories, and jewelry that display nonreligious messages or symbols are permitted.
- V. This section shall not be construed to authorize this state or any of its political
 subdivisions to require any person to participate in prayer or in any other religious activity or violate
 the constitutional rights of any person.
- 30 VI. This section shall not be construed to limit the authority of any school district or any
 31 employee, officer, or agent of a school district to maintain order and discipline on the grounds of the

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school district in a content-neutral manner and a viewpoint-neutral manner, or to protect the safety
 of students and faculty of the school district.

3 VII. The school board of every school district shall adopt and implement a policy regarding voluntary expression of religious viewpoints by students, including the school district's plan to 4 comply. To ensure that the school district does not discriminate against a student's publicly stated $\mathbf{5}$ 6 voluntary expression of a religious viewpoint, if any, and to eliminate any actual or perceived school $\overline{7}$ sponsorship or attribution to the district of a student's expression of a religious viewpoint, if any, the 8 school board of every school district shall adopt a policy, which shall include the establishment of a 9 limited public forum for student speakers at all school events at which a student is to publicly speak. 10 The school board policy regarding the limited public forum shall require the school district to:

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

(b) Provide a method, based on neutral criteria, for the selection of student speakers atschool events and graduation ceremonies.

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(c) Ensure that a student speaker does not engage in obscene, vulgar, lewd, or indecent speech.

17 (d) Provide a written or verbal disclaimer, or both, that the student's speech does not18 reflect the endorsement, sponsorship, position, or expression of the school district.

VIII. In this section, "school district" shall include a school administrative unit, school
 within a school district, and a chartered public school, including the employees, officers, and agents
 of each.

22 2 Effective Date. This act shall take effect 60 days after its passage.