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SENATE BILL NO. 236

Offered January 8, 2014

Prefiled January 3, 2014

A *BILL to amend and reenact §§ 22.1-203.1 and 22.1-203.3 of the Code of Virginia, relating to student religious viewpoint expression.*

Patrons—Carrico, Black, Garrett and Stanley

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-203.1 and 22.1-203.3 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-203.1. Student-initiated prayer; student-organized activities.

A. In order that the right of every pupil to the free exercise of religion be guaranteed within the schools and that the freedom of each individual pupil not be subject to pressure from the Commonwealth either to engage in, or to refrain from, religious observation on school grounds, consistent with constitutional principles of freedom of religion and separation of church and state, students in the public schools may voluntarily engage in student-initiated prayer.

B. *Students in public schools may voluntarily pray or engage in religious activities or religious expression before, during, and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression. Students may organize prayer groups, religious clubs, "see you at the pole" gatherings, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other activities and groups. Such groups shall have the same access to school facilities for assembling as other student-organized groups and shall have the same opportunity to announce or advertise meetings as other student-organized groups without discrimination based on the religious content of the students' expression. School divisions may disclaim school sponsorship of student-organized groups and events in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.*

§ 22.1-203.3. Student religious viewpoint expression.

A. 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. Home and classroom work shall be judged by ordinary academic standards of substance and relevance and other legitimate pedagogical concerns identified by the school.

B. *Students may wear clothing, accessories, or 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 are permitted.*

C. *Each school division shall adopt a policy that:*

1. *Creates a limited public forum at any school event at which a student is permitted to publicly speak, including graduation ceremonies;*

2. *Provides the limited public 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 by providing a method, based on neutral criteria, for the selection of student speakers at any school events at which a student is permitted to publicly speak; and*

3. *Requires each school division to provide a disclaimer, either in writing or orally, or both, in advance of any school event at which a student is permitted to publicly speak, including graduation ceremonies, that the school division does not endorse any religious viewpoint that may be expressed by student speakers.*

D. *Except as provided in subsection E, a school division shall not regulate a student's voluntary expression of a religious viewpoint on an otherwise permissible subject.*

E. *Nothing in this section shall be construed to limit a school division's ability to regulate student speech that (i) would materially and substantially disrupt the work and discipline of the school or (ii) is obscene, vulgar, offensively lewd, or indecent.*

INTRODUCED

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