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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 23

01/05/2017 Authored by Quam, Drazkowski, Newberger and Lucero The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; establishing the Student Religious Liberties Act; proposing
1.3 coding for new law in Minnesota Statutes, chapter 121A.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. 121A.08 STUDENT RELIGIOUS LIBERTIES.

1.6 Subdivision 1. Citation. This section shall be known and may be cited as the "Student
1.7 Religious Liberties Act of 2017."

1.8 Subd. 2. Student expression. A public school district shall not discriminate against
1.9 students or parents on the basis of a religious viewpoint or religious expression. A school
1.10 district shall treat a student's voluntary expression of a religious viewpoint, if any, on an
1.11 otherwise permissible subject in the same manner the district treats a student's voluntary
1.12 expression of a secular or other viewpoint on an otherwise permissible subject and may not
1.13 discriminate against the student based on a religious viewpoint expressed by the student on
1.14 an otherwise permissible subject.

1.15 Subd. 3. Religious expression in class assignments. Students may express their beliefs
1.16 about religion in homework, artwork, and other written and oral assignments free from
1.17 discrimination based on the religious content of their submissions. Homework and classroom
1.18 assignments must be judged by ordinary academic standards of substance and relevance
1.19 and against other legitimate pedagogical concerns identified by the school district. Students
1.20 may not be penalized or rewarded on account of the religious content of their work. If an
1.21 assignment requires a student's viewpoint to be expressed in coursework, artwork, or other
1.22 written or oral assignments, a public school shall not penalize or reward a student on the
1.23 basis of religious content or a religious viewpoint. In such an assignment, a student's

2.1 academic work that expresses a religious viewpoint shall be evaluated based on ordinary
2.2 academic standards of substance and relevance to the course curriculum or requirements of
2.3 the coursework or assignment.

2.4 Subd. 4. **Freedom to organize religious groups and activities.** (a) Students in public
2.5 schools may pray or engage in religious activities or religious expression before, during,
2.6 and after the school day in the same manner and to the same extent that students may engage
2.7 in nonreligious activities or expression. Students may organize prayer groups, religious
2.8 clubs, "see you at the pole" gatherings, or other religious gatherings before, during, and
2.9 after school to the same extent that students are permitted to organize other noncurricular
2.10 student activities and groups. Religious groups must be given the same access to school
2.11 facilities for assembling as is given to other noncurricular groups without discrimination
2.12 based on the religious content of the students' expression. If student groups that meet for
2.13 nonreligious activities are permitted to advertise or announce meetings of the groups, the
2.14 school district may not discriminate against groups that meet for prayer or other religious
2.15 speech. A school district may disclaim school sponsorship of noncurricular groups and
2.16 events in a manner that neither favors nor disfavors groups that meet to engage in prayer
2.17 or religious speech.

2.18 (b) Students in public schools may wear clothing, accessories, and jewelry that display
2.19 religious messages or religious symbols in the same manner and to the same extent that
2.20 other types of clothing, accessories, and jewelry that display messages or symbols are
2.21 permitted.

2.22 Subd. 5. **Limited public forum; school district policy.** (a) To ensure that the school
2.23 district does not discriminate against a student's publicly stated voluntary expression of a
2.24 religious viewpoint, if any, and to eliminate any actual or perceived affirmative school
2.25 sponsorship or attribution to the district of a student's expression of a religious viewpoint,
2.26 if any, a school district shall adopt a policy, which must include the establishment of a
2.27 limited public forum for student speakers at all school events at which a student is to publicly
2.28 speak. The policy regarding the limited public forum must also require the school district
2.29 to:

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

2.32 (2) provide a method, based on neutral criteria, for the selection of student speakers at
2.33 school events and graduation ceremonies;

3.1 (3) ensure that a student speaker does not engage in obscene, vulgar, offensively lewd,
3.2 or indecent speech; and

3.3 (4) state, in writing, orally, or both, that the student's speech does not reflect the
3.4 endorsement, sponsorship, position, or expression of the district.

3.5 (b) The school district disclaimer required by paragraph (a), clause (4), must be provided
3.6 at all graduation ceremonies. The school district must also continue to provide the disclaimer
3.7 at any other event in which a student speaks publicly for as long as a need exists to dispel
3.8 confusion over the district's nonsponsorship of the student's speech.

3.9 (c) Student expression on an otherwise permissible subject may not be excluded from
3.10 the limited public forum because the subject is expressed from a religious viewpoint.

3.11 (d) All school districts shall adopt and implement a local policy regarding a limited
3.12 public forum and voluntary student expression of religious viewpoints. If a school district
3.13 voluntarily adopts and follows the model policy governing voluntary religious expression
3.14 in public schools developed under subdivision 6, the district is in compliance with the
3.15 provisions of this section.

3.16 Subd. 6. **State model policy.** (a) The commissioner of education, in consultation with
3.17 representatives of the Minnesota School Boards Association, the Minnesota Association of
3.18 School Administrators, the Minnesota Elementary School Principals' Association, and the
3.19 Minnesota Association of Secondary School Principals, shall develop and maintain a state
3.20 model policy. The commissioner must assist districts and schools under this subdivision to
3.21 implement the state policy. The state model policy must:

3.22 (1) define school events at which a limited public forum exists;

3.23 (2) set objective criteria for student selection for the limited public forums under clause
3.24 (1);

3.25 (3) provide wording for the disclaimers under subdivisions 4 and 5;

3.26 (4) provide guidance for graduation ceremonies;

3.27 (5) provide guidance on religious expression in class assignments under subdivision 3;
3.28 and

3.29 (6) provide guidance on the organization of religious groups and activities under
3.30 subdivision 4.

3.31 (b) The commissioner shall develop and post departmental procedures for:

4.1 (1) periodically reviewing district and school programs and policies for compliance with
4.2 this section;

4.3 (2) investigating, reporting, and responding to noncompliance with this section; and

4.4 (3) allowing students, parents, and educators to file a complaint about noncompliance
4.5 with the commissioner.

4.6 Subd. 7. Statutory construction. (a) This section shall not be construed to authorize
4.7 this state or any of its political subdivisions to do either of the following:

4.8 (1) require any person to participate in prayer or in any other religious activity; or

4.9 (2) violate the constitutional rights of any person.

4.10 (b) This section shall not be construed to limit the authority of any public school to do
4.11 any of the following:

4.12 (1) maintain order and discipline on the campus of the public school in a content- and
4.13 viewpoint-neutral manner;

4.14 (2) protect the safety of students, employees, and visitors of the public school; or

4.15 (3) adopt and enforce policies and procedures regarding student speech at school provided
4.16 that the policies and procedures do not violate the rights of students as guaranteed by the
4.17 Constitutions of the United States and the state of Minnesota or other applicable law.

4.18 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.