

# SENATE BILL No. 716

December 10, 2013, Introduced by Senators JANSEN, HUNTER, COLBECK, GREEN, BRANDENBURG, MOOLENAAR, MARLEAU, BOOHER and PAPPAGEORGE and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by amending the title, as amended by 2003 PA 179, and by adding section 1299a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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TITLE

An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school

1 districts, public school academies, intermediate school districts,  
2 and other public school entities; **TO PRESCRIBE CERTAIN POWERS AND**  
3 **DUTIES OF STATE PUBLIC UNIVERSITIES AND THEIR GOVERNING BOARDS,**  
4 **OFFICIALS, AND EMPLOYEES;** to provide for the regulation of school  
5 teachers and certain other school employees; to provide for school  
6 elections and to prescribe powers and duties with respect thereto;  
7 to provide for the levy and collection of taxes; to provide for the  
8 borrowing of money and issuance of bonds and other evidences of  
9 indebtedness; to establish a fund and provide for expenditures from  
10 that fund; to provide for and prescribe the powers and duties of  
11 certain state departments, the state board of education, and  
12 certain other boards and officials; to provide for licensure of  
13 boarding schools; to prescribe penalties; and to repeal acts and  
14 parts of acts.

15 **SEC. 1299A. (1) TO ENSURE THE FREEDOM OF WORSHIP AND RELIGIOUS**  
16 **BELIEF GUARANTEED BY SECTION 4 OF ARTICLE I OF THE STATE**  
17 **CONSTITUTION OF 1963, A BOARD MEMBER, EMPLOYEE, CONTRACTOR, OR**  
18 **AGENT OF A PUBLIC SCHOOL OR STATE PUBLIC UNIVERSITY SHALL NOT**  
19 **DISCRIMINATE AGAINST A STUDENT OR A STUDENT'S PARENT OR LEGAL**  
20 **GUARDIAN ON THE BASIS OF A RELIGIOUS VIEWPOINT OR RELIGIOUS**  
21 **EXPRESSION. A BOARD MEMBER, EMPLOYEE, CONTRACTOR, OR AGENT OF A**  
22 **PUBLIC SCHOOL OR STATE PUBLIC UNIVERSITY SHALL TREAT A STUDENT'S**  
23 **VOLUNTARY EXPRESSION OF A RELIGIOUS VIEWPOINT, IF ANY, ON AN**  
24 **OTHERWISE PERMISSIBLE SUBJECT IN THE SAME MANNER THAT HE OR SHE**  
25 **TREATS A STUDENT'S VOLUNTARY EXPRESSION OF A SECULAR OR OTHER**  
26 **VIEWPOINT ON AN OTHERWISE PERMISSIBLE SUBJECT AND SHALL NOT**  
27 **DISCRIMINATE AGAINST THE STUDENT BASED ON A RELIGIOUS VIEWPOINT**

1 EXPRESSED BY THE STUDENT ON AN OTHERWISE PERMISSIBLE SUBJECT.

2 (2) A BOARD MEMBER, EMPLOYEE, CONTRACTOR, OR AGENT OF A PUBLIC  
3 SCHOOL OR STATE PUBLIC UNIVERSITY SHALL ENSURE ALL OF THE  
4 FOLLOWING:

5 (A) THAT A STUDENT MAY EXPRESS HIS OR HER BELIEF ABOUT  
6 RELIGION IN HOMEWORK, COURSE WORK, ARTWORK, AND OTHER WRITTEN AND  
7 ORAL ASSIGNMENTS FREE FROM DISCRIMINATION BASED ON THE RELIGIOUS  
8 CONTENT OF THE STUDENT'S SUBMISSION.

9 (B) THAT HOMEWORK, COURSE WORK, AND CLASSROOM ASSIGNMENTS ARE  
10 JUDGED ONLY BY ORDINARY ACADEMIC STANDARDS OF SUBSTANCE AND  
11 RELEVANCE AND AGAINST OTHER LEGITIMATE PEDAGOGICAL CONCERNS  
12 IDENTIFIED BY THE PUBLIC SCHOOL OR STATE PUBLIC UNIVERSITY.

13 (C) THAT A STUDENT IS NOT PENALIZED OR REWARDED DUE TO THE  
14 RELIGIOUS CONTENT OF HIS OR HER WORK.

15 (D) THAT, IF AN ASSIGNMENT REQUIRES A STUDENT'S VIEWPOINT TO  
16 BE EXPRESSED IN COURSE WORK, ARTWORK, OR OTHER WRITTEN OR ORAL  
17 EXPRESSION, A STUDENT IS NOT PENALIZED OR REWARDED ON THE BASIS OF  
18 RELIGIOUS CONTENT OR A RELIGIOUS VIEWPOINT. IN SUCH AN ASSIGNMENT,  
19 A STUDENT'S ACADEMIC WORK THAT EXPRESSES A RELIGIOUS VIEWPOINT MUST  
20 BE EVALUATED BASED ONLY ON ORDINARY ACADEMIC STANDARDS OF SUBSTANCE  
21 AND RELEVANCE TO THE COURSE CURRICULUM OR REQUIREMENTS OF THE  
22 COURSE WORK OR ASSIGNMENT.

23 (3) A BOARD MEMBER, EMPLOYEE, CONTRACTOR, OR AGENT OF A PUBLIC  
24 SCHOOL OR STATE PUBLIC UNIVERSITY SHALL ENSURE ALL OF THE  
25 FOLLOWING:

26 (A) THAT A STUDENT OR GROUP OF STUDENTS IN A PUBLIC SCHOOL OR  
27 STATE PUBLIC UNIVERSITY MAY PRAY OR ENGAGE IN RELIGIOUS ACTIVITIES

1 OR RELIGIOUS EXPRESSION BEFORE, DURING, AND AFTER THE SCHOOL DAY IN  
2 THE SAME MANNER AND TO THE SAME EXTENT THAT STUDENTS MAY ENGAGE IN  
3 NONRELIGIOUS ACTIVITIES OR EXPRESSION.

4 (B) THAT STUDENTS MAY ORGANIZE PRAYER GROUPS, RELIGIOUS CLUBS,  
5 "SEE YOU AT THE POLE" GATHERINGS, OR OTHER RELIGIOUS GATHERINGS  
6 BEFORE, DURING, AND AFTER SCHOOL TO THE SAME EXTENT THAT STUDENTS  
7 ARE PERMITTED TO ORGANIZE OTHER NONCURRICULAR STUDENT ACTIVITIES  
8 AND GROUPS.

9 (C) THAT RELIGIOUS GROUPS ARE GIVEN THE SAME ACCESS TO PUBLIC  
10 SCHOOL OR STATE PUBLIC UNIVERSITY FACILITIES FOR ASSEMBLING AS IS  
11 GIVEN TO OTHER NONCURRICULAR GROUPS WITHOUT DISCRIMINATION BASED ON  
12 THE RELIGIOUS CONTENT OF THE STUDENTS' EXPRESSION, AS PROVIDED FOR  
13 PUBLIC SCHOOLS UNDER SECTION 1299. WITH REGARD TO GROUP MEETINGS,  
14 IF STUDENT GROUPS THAT MEET FOR NONRELIGIOUS ACTIVITIES ARE ALLOWED  
15 TO ADVERTISE OR ANNOUNCE MEETINGS OF THE GROUP, THE PUBLIC SCHOOL  
16 OR STATE PUBLIC UNIVERSITY SHALL NOT DISCRIMINATE AGAINST STUDENT  
17 GROUPS THAT MEET FOR PRAYER OR OTHER RELIGIOUS SPEECH. A BOARD  
18 MEMBER, EMPLOYEE, CONTRACTOR, OR AGENT OF A PUBLIC SCHOOL OR STATE  
19 PUBLIC UNIVERSITY MAY DISCLAIM SCHOOL SPONSORSHIP OF NONCURRICULAR  
20 GROUPS AND EVENTS IN A MANNER THAT NEITHER FAVORS NOR DISFAVORS  
21 GROUPS THAT MEET TO ENGAGE IN PRAYER OR RELIGIOUS SPEECH.

22 (D) THAT STUDENTS MAY WEAR CLOTHING, ACCESSORIES, AND JEWELRY  
23 THAT DISPLAY RELIGIOUS MESSAGES OR RELIGIOUS SYMBOLS IN THE SAME  
24 MANNER AND TO THE SAME EXTENT THAT OTHER TYPES OF CLOTHING,  
25 ACCESSORIES, AND JEWELRY THAT DISPLAY MESSAGES OR SYMBOLS ARE  
26 ALLOWED.

27 (4) TO ENSURE THAT THE PUBLIC SCHOOL OR STATE PUBLIC

1 UNIVERSITY DOES NOT DISCRIMINATE AGAINST A STUDENT'S PUBLICLY  
2 STATED VOLUNTARY EXPRESSION OF A RELIGIOUS VIEWPOINT, IF ANY, AND  
3 TO ELIMINATE ANY ACTUAL OR PERCEIVED AFFIRMATIVE SCHOOL SPONSORSHIP  
4 OR ATTRIBUTION TO THE PUBLIC SCHOOL OR STATE PUBLIC UNIVERSITY OF A  
5 STUDENT'S EXPRESSION OF A RELIGIOUS VIEWPOINT, IF ANY, THE  
6 GOVERNING BOARD OF A PUBLIC SCHOOL OR STATE PUBLIC UNIVERSITY SHALL  
7 ADOPT A POLICY THAT PROVIDES FOR THE ESTABLISHMENT OF A LIMITED  
8 PUBLIC FORUM FOR STUDENT SPEAKERS AT ALL PUBLIC SCHOOL OR STATE  
9 PUBLIC UNIVERSITY EVENTS AT WHICH A STUDENT IS TO PUBLICLY SPEAK.  
10 THE POLICY REGARDING THE LIMITED PUBLIC FORUM MUST ALSO REQUIRE THE  
11 PUBLIC SCHOOL OR STATE PUBLIC UNIVERSITY TO DO ALL OF THE  
12 FOLLOWING:

13 (A) PROVIDE THE FORUM IN A MANNER THAT DOES NOT DISCRIMINATE  
14 AGAINST A STUDENT'S VOLUNTARY EXPRESSION OF A RELIGIOUS VIEWPOINT,  
15 IF ANY, ON AN OTHERWISE PERMISSIBLE SUBJECT.

16 (B) PROVIDE A METHOD, BASED ON NEUTRAL CRITERIA, FOR THE  
17 SELECTION OF STUDENT SPEAKERS AT PUBLIC SCHOOL OR STATE PUBLIC  
18 UNIVERSITY EVENTS AND GRADUATION CEREMONIES.

19 (C) STATE, IN WRITING, ORALLY, OR BOTH, THAT THE STUDENT'S  
20 SPEECH DOES NOT REFLECT THE ENDORSEMENT, SPONSORSHIP, POSITION, OR  
21 EXPRESSION OF THE PUBLIC SCHOOL OR STATE PUBLIC UNIVERSITY. THE  
22 POLICY MUST PROVIDE THAT THIS DISCLAIMER MUST BE PROVIDED AT ALL  
23 GRADUATION CEREMONIES AND, IF A NEED EXISTS TO DISPEL CONFUSION  
24 OVER THE PUBLIC SCHOOL'S OR STATE PUBLIC UNIVERSITY'S  
25 NONSPONSORSHIP OF THE STUDENT'S SPEECH, AT ANY OTHER EVENT IN WHICH  
26 A STUDENT SPEAKS PUBLICLY.

27 (D) ENSURE THAT STUDENT EXPRESSION ON AN OTHERWISE PERMISSIBLE

1 SUBJECT MAY NOT BE EXCLUDED FROM THE LIMITED PUBLIC FORUM BECAUSE  
2 THE SUBJECT IS EXPRESSED FROM A RELIGIOUS VIEWPOINT.

3 (5) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
4 DISTRICT, BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY, OR  
5 GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY SHALL ADOPT AND  
6 IMPLEMENT A LOCAL POLICY REGARDING A LIMITED PUBLIC FORUM AND  
7 VOLUNTARY STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS.

8 (6) IF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC  
9 SCHOOL ACADEMY, OR STATE PUBLIC UNIVERSITY VOLUNTARILY ADOPTS AND  
10 FOLLOWS THE MODEL POLICY GOVERNING VOLUNTARY RELIGIOUS EXPRESSION  
11 IN PUBLIC SCHOOLS AND STATE PUBLIC UNIVERSITIES CONTAINED IN THIS  
12 SUBSECTION, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,  
13 PUBLIC SCHOOL ACADEMY, OR STATE PUBLIC UNIVERSITY IS CONSIDERED TO  
14 BE IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION THAT ARE  
15 COVERED BY THE MODEL POLICY. THE TERM "SCHOOL DISTRICT" IN THE  
16 MODEL POLICY MAY BE REVISED TO REFLECT USAGE BY AN INTERMEDIATE  
17 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR STATE PUBLIC UNIVERSITY.  
18 IF A PORTION OF THE MODEL POLICY IS INAPPROPRIATE FOR AN  
19 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR STATE  
20 PUBLIC UNIVERSITY, THAT PORTION MAY BE REVISED AS NECESSARY. THE  
21 FOLLOWING IS THE MODEL POLICY REGARDING A LIMITED PUBLIC FORUM AND  
22 VOLUNTARY STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS:

23 "ARTICLE I

24 STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

25 THE SCHOOL DISTRICT WILL TREAT A STUDENT'S VOLUNTARY  
26 EXPRESSION OF A RELIGIOUS VIEWPOINT, IF ANY, ON AN OTHERWISE  
27 PERMISSIBLE SUBJECT IN THE SAME MANNER THE SCHOOL DISTRICT TREATS A

1 STUDENT'S VOLUNTARY EXPRESSION OF A SECULAR OR OTHER VIEWPOINT ON  
2 AN OTHERWISE PERMISSIBLE SUBJECT AND MAY NOT DISCRIMINATE AGAINST  
3 THE STUDENT BASED ON A RELIGIOUS VIEWPOINT EXPRESSED BY THE STUDENT  
4 ON AN OTHERWISE PERMISSIBLE SUBJECT.

5 ARTICLE II

6 STUDENT SPEAKERS AT NONGRADUATION EVENTS

7 THE SCHOOL DISTRICT HEREBY CREATES A LIMITED PUBLIC FORUM FOR  
8 STUDENT SPEAKERS AT ALL SCHOOL EVENTS AT WHICH A STUDENT IS TO  
9 PUBLICLY SPEAK. FOR EACH SPEAKER, THE SCHOOL DISTRICT WILL SET A  
10 MAXIMUM TIME LIMIT REASONABLE AND APPROPRIATE TO THE OCCASION.  
11 STUDENT SPEAKERS WILL INTRODUCE:

12 (A) FOOTBALL GAMES;

13 (B) ANY OTHER ATHLETIC EVENTS DESIGNATED BY THE SCHOOL  
14 DISTRICT;

15 (C) OPENING ANNOUNCEMENTS AND GREETINGS FOR THE SCHOOL DAY;  
16 AND

17 (D) ANY ADDITIONAL EVENTS DESIGNATED BY THE SCHOOL DISTRICT,  
18 WHICH MAY INCLUDE, WITHOUT LIMITATION, ASSEMBLIES AND PEP RALLIES.

19 THE FORUM WILL BE LIMITED IN THE MANNER PROVIDED BY THIS  
20 ARTICLE.

21 ONLY THOSE STUDENTS WHO ARE IN THE HIGHEST 2 GRADE LEVELS OF  
22 THE SCHOOL AND WHO HOLD 1 OF THE FOLLOWING POSITIONS OF HONOR BASED  
23 ON NEUTRAL CRITERIA ARE ELIGIBLE TO USE THE LIMITED PUBLIC FORUM:  
24 STUDENT COUNCIL OFFICERS, CLASS OFFICERS OF THE HIGHEST GRADE LEVEL  
25 IN THE SCHOOL, CAPTAINS OF THE FOOTBALL TEAM, AND OTHER STUDENTS  
26 HOLDING POSITIONS OF HONOR AS THE SCHOOL DISTRICT MAY DESIGNATE.

27 AN ELIGIBLE STUDENT WILL BE NOTIFIED OF THE STUDENT'S

1 ELIGIBILITY, AND A STUDENT WHO WISHES TO PARTICIPATE AS AN  
2 INTRODUCING SPEAKER MUST SUBMIT THE STUDENT'S NAME TO THE STUDENT  
3 COUNCIL OR OTHER DESIGNATED BODY DURING AN ANNOUNCED PERIOD OF NOT  
4 LESS THAN 3 DAYS. THE ANNOUNCED PERIOD MAY BE AT THE BEGINNING OF  
5 THE SCHOOL YEAR, AT THE END OF THE PRECEDING SCHOOL YEAR SO STUDENT  
6 SPEAKERS ARE IN PLACE FOR THE NEW YEAR, OR, IF THE SELECTION  
7 PROCESS WILL BE REPEATED EACH SEMESTER, AT THE BEGINNING OF EACH  
8 SEMESTER OR AT THE END OF THE PRECEDING SEMESTER SO SPEAKERS ARE IN  
9 PLACE FOR THE NEXT SEMESTER. THE NAMES OF THE VOLUNTEERING STUDENT  
10 SPEAKERS MUST BE RANDOMLY DRAWN UNTIL ALL NAMES HAVE BEEN SELECTED,  
11 AND THE NAMES WILL BE LISTED IN THE ORDER DRAWN. EACH SELECTED  
12 STUDENT WILL BE MATCHED CHRONOLOGICALLY TO THE EVENT FOR WHICH THE  
13 STUDENT WILL BE GIVING THE INTRODUCTION. EACH STUDENT MAY SPEAK FOR  
14 1 WEEK AT A TIME FOR ALL INTRODUCTIONS OF EVENTS THAT WEEK, OR  
15 ROTATE AFTER EACH SPEAKING EVENT, OR OTHERWISE AS DETERMINED BY THE  
16 SCHOOL DISTRICT. THE LIST OF STUDENT SPEAKERS WILL BE  
17 CHRONOLOGICALLY REPEATED AS NEEDED, IN THE SAME ORDER. THE SCHOOL  
18 DISTRICT MAY REPEAT THE SELECTION PROCESS EACH SEMESTER RATHER THAN  
19 ONCE A YEAR.

20 THE SUBJECT OF THE STUDENT INTRODUCTIONS MUST BE RELATED TO  
21 THE PURPOSE OF THE EVENT AND TO THE PURPOSE OF MARKING THE OPENING  
22 OF THE EVENT, HONORING THE OCCASION, THE PARTICIPANTS, AND THOSE IN  
23 ATTENDANCE, BRINGING THE AUDIENCE TO ORDER, AND FOCUSING THE  
24 AUDIENCE ON THE PURPOSE OF THE EVENT. THE SUBJECT MUST BE  
25 DESIGNATED, AND A STUDENT MUST STAY ON THE SUBJECT.

26 THE SCHOOL DISTRICT WILL TREAT A STUDENT'S VOLUNTARY  
27 EXPRESSION OF A RELIGIOUS VIEWPOINT, IF ANY, ON AN OTHERWISE



1 PERMISSIBLE SUBJECT IN THE SAME MANNER THE SCHOOL DISTRICT TREATS A  
2 STUDENT'S VOLUNTARY EXPRESSION OF A SECULAR OR OTHER VIEWPOINT ON  
3 AN OTHERWISE PERMISSIBLE SUBJECT AND MAY NOT DISCRIMINATE AGAINST  
4 THE STUDENT BASED ON A RELIGIOUS VIEWPOINT EXPRESSED BY THE STUDENT  
5 ON AN OTHERWISE PERMISSIBLE SUBJECT.

6 IF THERE IS A NEED TO DISPEL CONFUSION OVER THE NONSPONSORSHIP  
7 OF THE STUDENT'S SPEECH AT EACH EVENT IN WHICH A STUDENT WILL  
8 DELIVER AN INTRODUCTION, A DISCLAIMER SHALL BE STATED IN WRITTEN OR  
9 ORAL FORM, OR BOTH, SUCH AS, "THE STUDENT GIVING THE INTRODUCTION  
10 FOR THIS EVENT IS A VOLUNTEERING STUDENT SELECTED ON NEUTRAL  
11 CRITERIA TO INTRODUCE THE EVENT. THE CONTENT OF THE INTRODUCTION IS  
12 THE PRIVATE EXPRESSION OF THE STUDENT AND DOES NOT REFLECT THE  
13 ENDORSEMENT, SPONSORSHIP, POSITION OR EXPRESSION OF THE SCHOOL  
14 DISTRICT."

15 CERTAIN STUDENTS WHO HAVE ATTAINED SPECIAL POSITIONS OF HONOR  
16 IN THE SCHOOL HAVE TRADITIONALLY ADDRESSED SCHOOL AUDIENCES FROM  
17 TIME TO TIME AS A TANGENTIAL COMPONENT OF THEIR ACHIEVED POSITIONS  
18 OF HONOR, SUCH AS THE CAPTAINS OF VARIOUS SPORTS TEAMS, STUDENT  
19 COUNCIL OFFICERS, CLASS OFFICERS, HOMECOMING KINGS AND QUEENS, PROM  
20 KINGS AND QUEENS, AND THE LIKE, AND HAVE ATTAINED THEIR POSITIONS  
21 BASED ON NEUTRAL CRITERIA. NOTHING IN THIS POLICY ELIMINATES THE  
22 CONTINUATION OF THE PRACTICE OF HAVING THESE STUDENTS, IRRESPECTIVE  
23 OF GRADE LEVEL, ADDRESS SCHOOL AUDIENCES IN THE NORMAL COURSE OF  
24 THEIR RESPECTIVE POSITIONS. THE SCHOOL DISTRICT WILL CREATE A  
25 LIMITED PUBLIC FORUM FOR THE SPEAKERS AND MUST TREAT A STUDENT'S  
26 VOLUNTARY EXPRESSION OF A RELIGIOUS VIEWPOINT, IF ANY, ON AN  
27 OTHERWISE PERMISSIBLE SUBJECT IN THE SAME MANNER THE DISTRICT

1 TREATS A STUDENT'S VOLUNTARY EXPRESSION OF A SECULAR OR OTHER  
2 VIEWPOINT ON AN OTHERWISE PERMISSIBLE SUBJECT AND MAY NOT  
3 DISCRIMINATE AGAINST THE STUDENT BASED ON A RELIGIOUS VIEWPOINT  
4 EXPRESSED BY THE STUDENT ON AN OTHERWISE PERMISSIBLE SUBJECT.

5 ARTICLE III

6 STUDENT SPEAKERS AT GRADUATION CEREMONIES

7 THE SCHOOL DISTRICT HEREBY CREATES A LIMITED PUBLIC FORUM  
8 CONSISTING OF AN OPPORTUNITY FOR A STUDENT TO SPEAK TO BEGIN  
9 GRADUATION CEREMONIES AND ANOTHER STUDENT TO SPEAK TO END  
10 GRADUATION CEREMONIES. FOR EACH SPEAKER, THE SCHOOL DISTRICT WILL  
11 SET A MAXIMUM TIME LIMIT REASONABLE AND APPROPRIATE TO THE  
12 OCCASION.

13 THE FORUM WILL BE LIMITED IN THE MANNER PROVIDED BY THIS  
14 ARTICLE.

15 ONLY STUDENTS WHO ARE GRADUATING AND WHO HOLD 1 OF THE  
16 FOLLOWING NEUTRAL CRITERIA POSITIONS OF HONOR WILL BE ELIGIBLE TO  
17 USE THE LIMITED PUBLIC FORUM: STUDENT COUNCIL OFFICERS, CLASS  
18 OFFICERS OF THE GRADUATING CLASS, THE TOP 3 ACADEMICALLY RANKED  
19 GRADUATES, OR A SHORTER OR LONGER LIST OF STUDENT LEADERS AS THE  
20 SCHOOL DISTRICT MAY DESIGNATE. A STUDENT WHO WILL OTHERWISE HAVE A  
21 SPEAKING ROLE IN THE GRADUATION CEREMONIES IS INELIGIBLE TO GIVE  
22 THE OPENING AND CLOSING REMARKS. THE NAMES OF THE ELIGIBLE  
23 VOLUNTEERING STUDENTS WILL BE RANDOMLY DRAWN. THE FIRST NAME DRAWN  
24 WILL GIVE THE OPENING AND THE SECOND NAME DRAWN WILL GIVE THE  
25 CLOSING.

26 THE TOPIC OF THE OPENING AND CLOSING REMARKS MUST BE RELATED  
27 TO THE PURPOSE OF THE GRADUATION CEREMONY AND TO THE PURPOSE OF

1 MARKING THE OPENING AND CLOSING OF THE EVENT, HONORING THE  
2 OCCASION, THE PARTICIPANTS, AND THOSE IN ATTENDANCE, BRINGING THE  
3 AUDIENCE TO ORDER, AND FOCUSING THE AUDIENCE ON THE PURPOSE OF THE  
4 EVENT.

5 IN ADDITION TO THE STUDENTS GIVING THE OPENING AND CLOSING  
6 REMARKS, CERTAIN OTHER STUDENTS WHO HAVE ATTAINED SPECIAL POSITIONS  
7 OF HONOR BASED ON NEUTRAL CRITERIA, INCLUDING, WITHOUT LIMITATION,  
8 THE VALEDICTORIAN, WILL HAVE SPEAKING ROLES AT GRADUATION  
9 CEREMONIES. FOR EACH SPEAKER, THE SCHOOL DISTRICT WILL SET A  
10 MAXIMUM TIME LIMIT REASONABLE AND APPROPRIATE TO THE OCCASION AND  
11 TO THE POSITION HELD BY THE SPEAKER. FOR THIS PURPOSE, THE SCHOOL  
12 DISTRICT CREATES A LIMITED PUBLIC FORUM FOR THESE STUDENTS TO  
13 DELIVER THE ADDRESSES. THE SUBJECT OF THE ADDRESSES MUST BE RELATED  
14 TO THE PURPOSE OF THE GRADUATION CEREMONY, MARKING AND HONORING THE  
15 OCCASION, HONORING THE PARTICIPANTS AND THOSE IN ATTENDANCE, AND  
16 THE STUDENT'S PERSPECTIVE ON PURPOSE, ACHIEVEMENT, LIFE, SCHOOL,  
17 GRADUATION, AND LOOKING FORWARD TO THE FUTURE.

18 THE SUBJECT MUST BE DESIGNATED FOR EACH STUDENT SPEAKER, AND  
19 THE STUDENT MUST STAY ON THE SUBJECT. THE SCHOOL DISTRICT MUST  
20 TREAT A STUDENT'S VOLUNTARY EXPRESSION OF A RELIGIOUS VIEWPOINT, IF  
21 ANY, ON AN OTHERWISE PERMISSIBLE SUBJECT IN THE SAME MANNER THE  
22 SCHOOL DISTRICT TREATS A STUDENT'S VOLUNTARY EXPRESSION OF A  
23 SECULAR OR OTHER VIEWPOINT ON AN OTHERWISE PERMISSIBLE SUBJECT AND  
24 MAY NOT DISCRIMINATE AGAINST THE STUDENT BASED ON A RELIGIOUS  
25 VIEWPOINT EXPRESSED BY THE STUDENT ON AN OTHERWISE PERMISSIBLE  
26 SUBJECT.

27 A WRITTEN DISCLAIMER WILL BE PRINTED IN THE GRADUATION PROGRAM

1 THAT STATES: "THE STUDENTS WHO WILL BE SPEAKING AT THE GRADUATION  
2 CEREMONY WERE SELECTED BASED ON NEUTRAL CRITERIA TO DELIVER  
3 MESSAGES OF THE STUDENTS' OWN CHOICES. THE CONTENT OF EACH STUDENT  
4 SPEAKER'S MESSAGE IS THE PRIVATE EXPRESSION OF THE INDIVIDUAL  
5 STUDENT AND DOES NOT REFLECT ANY POSITION OR EXPRESSION OF THE  
6 SCHOOL DISTRICT OR THE SCHOOL BOARD, OR THE SCHOOL DISTRICT'S  
7 ADMINISTRATION, OR EMPLOYEES OF THE SCHOOL DISTRICT, OR THE VIEWS  
8 OF ANY OTHER GRADUATE. THE CONTENTS OF THESE MESSAGES WERE PREPARED  
9 BY THE STUDENT VOLUNTEERS, AND THE SCHOOL DISTRICT REFRAINED FROM  
10 ANY INTERACTION WITH STUDENT SPEAKERS REGARDING THE STUDENT  
11 SPEAKERS' VIEWPOINTS ON PERMISSIBLE SUBJECTS."

#### 12 ARTICLE IV

##### 13 RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

14 STUDENTS MAY EXPRESS THE STUDENTS' BELIEFS ABOUT RELIGION IN  
15 HOMEWORK, ARTWORK, AND OTHER WRITTEN AND ORAL ASSIGNMENTS FREE FROM  
16 DISCRIMINATION BASED ON THE RELIGIOUS CONTENT OF THE STUDENTS'  
17 SUBMISSION. HOMEWORK AND CLASSROOM WORK WILL BE JUDGED BY ORDINARY  
18 ACADEMIC STANDARDS OF SUBSTANCE AND RELEVANCE AND AGAINST OTHER  
19 LEGITIMATE PEDAGOGICAL CONCERNS IDENTIFIED BY THE SCHOOL. STUDENTS  
20 MAY NOT BE PENALIZED OR REWARDED ON ACCOUNT OF RELIGIOUS CONTENT.

21 IF A TEACHER'S ASSIGNMENT INVOLVES WRITING A POEM, THE WORK OF  
22 A STUDENT WHO SUBMITS A POEM IN THE FORM OF A PRAYER (FOR EXAMPLE,  
23 A PSALM) SHOULD BE JUDGED ON THE BASIS OF ACADEMIC STANDARDS,  
24 INCLUDING LITERARY QUALITY, AND NOT PENALIZED OR REWARDED ON  
25 ACCOUNT OF ITS RELIGIOUS CONTENT.

#### 26 ARTICLE V

##### 27 FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

28 STUDENTS MAY ORGANIZE PRAYER GROUPS, RELIGIOUS CLUBS, "SEE YOU

1 AT THE POLE" GATHERINGS, AND OTHER RELIGIOUS GATHERINGS BEFORE,  
2 DURING, AND AFTER SCHOOL TO THE SAME EXTENT THAT STUDENTS ARE  
3 PERMITTED TO ORGANIZE OTHER NONCURRICULAR STUDENT ACTIVITIES AND  
4 GROUPS. RELIGIOUS GROUPS MUST BE GIVEN THE SAME ACCESS TO SCHOOL  
5 FACILITIES FOR ASSEMBLING AS IS GIVEN TO OTHER NONCURRICULAR  
6 GROUPS, WITHOUT DISCRIMINATION BASED ON THE RELIGIOUS CONTENT OF  
7 THE GROUP'S EXPRESSION. IF STUDENT GROUPS THAT MEET FOR  
8 NONRELIGIOUS ACTIVITIES ARE PERMITTED TO ADVERTISE OR ANNOUNCE THE  
9 GROUPS' MEETINGS, FOR EXAMPLE, BY ADVERTISING IN A STUDENT  
10 NEWSPAPER, PUTTING UP POSTERS, MAKING ANNOUNCEMENTS ON A STUDENT  
11 ACTIVITIES BULLETIN BOARD OR PUBLIC ADDRESS SYSTEM, OR HANDING OUT  
12 LEAFLETS, SCHOOL AUTHORITIES MAY NOT DISCRIMINATE AGAINST GROUPS  
13 THAT MEET FOR PRAYER OR OTHER RELIGIOUS SPEECH. SCHOOL AUTHORITIES  
14 MAY DISCLAIM SPONSORSHIP OF NONCURRICULAR GROUPS AND EVENTS,  
15 PROVIDED THEY ADMINISTER THE DISCLAIMER IN A MANNER THAT DOES NOT  
16 FAVOR OR DISFAVOR GROUPS THAT MEET TO ENGAGE IN PRAYER OR OTHER  
17 RELIGIOUS SPEECH."

18 (7) THIS SECTION DOES NOT AUTHORIZE THIS STATE OR ANY OF ITS  
19 POLITICAL SUBDIVISIONS OR A STATE PUBLIC UNIVERSITY TO DO EITHER OF  
20 THE FOLLOWING:

21 (A) REQUIRE ANY PERSON TO PARTICIPATE IN PRAYER OR IN ANY  
22 OTHER RELIGIOUS ACTIVITY.

23 (B) VIOLATE THE CONSTITUTIONAL RIGHTS OF ANY PERSON.

24 (8) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF ANY PUBLIC  
25 SCHOOL OR STATE PUBLIC UNIVERSITY TO DO ANY OF THE FOLLOWING:

26 (A) MAINTAIN ORDER AND DISCIPLINE ON THE CAMPUS OF THE PUBLIC

1 SCHOOL OR STATE PUBLIC UNIVERSITY IN A CONTENT AND VIEWPOINT  
2 NEUTRAL MANNER.

3 (B) PROTECT THE SAFETY OF STUDENTS, EMPLOYEES, AND VISITORS OF  
4 THE PUBLIC SCHOOL OR STATE PUBLIC UNIVERSITY.

5 (C) ADOPT AND ENFORCE POLICIES AND PROCEDURES REGARDING  
6 STUDENT SPEECH AT SCHOOL IF THOSE POLICIES AND PROCEDURES DO NOT  
7 VIOLATE THE RIGHTS OF STUDENTS AS GUARANTEED BY STATE AND FEDERAL  
8 CONSTITUTION AND LAW.

9 (9) THIS SECTION APPLIES BEGINNING WITH THE 2014-2015 SCHOOL  
10 YEAR.

11 (10) AS USED IN THIS SECTION, "PUBLIC SCHOOL OR STATE PUBLIC  
12 UNIVERSITY" INCLUDES A PUBLIC SCHOOL'S OR STATE PUBLIC UNIVERSITY'S  
13 EMPLOYEES AND INDIVIDUALS OR ENTITIES UNDER CONTRACT WITH THE  
14 GOVERNING BODY OF THE PUBLIC SCHOOL OR STATE PUBLIC UNIVERSITY.