

REFERENCE TITLE: public education; students' religious liberties.

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1393

Introduced by
Senators Huppenthal: Gould, Gray L, Harper, Melvin, Pierce, Verschoor

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-110; RELATING TO RELIGIOUS LIBERTIES IN PUBLIC EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 15-110, to read:

4 15-110. Rights of students at public educational institutions:
5 limitations: definition

6 A. A PUBLIC EDUCATIONAL INSTITUTION SHALL NOT DISCRIMINATE AGAINST
7 STUDENTS OR PARENTS ON THE BASIS OF A RELIGIOUS VIEWPOINT OR RELIGIOUS
8 EXPRESSION.

9 B. IF AN ASSIGNMENT REQUIRES A STUDENT'S VIEWPOINT TO BE EXPRESSED IN
10 COURSEWORK, ARTWORK OR OTHER WRITTEN OR ORAL ASSIGNMENTS, A PUBLIC
11 EDUCATIONAL INSTITUTION SHALL NOT PENALIZE OR REWARD A STUDENT ON THE BASIS
12 OF RELIGIOUS CONTENT OR A RELIGIOUS VIEWPOINT. IN SUCH AN ASSIGNMENT, A
13 STUDENT'S ACADEMIC WORK THAT EXPRESSES A RELIGIOUS VIEWPOINT SHALL BE
14 EVALUATED BASED ON ORDINARY ACADEMIC STANDARDS OF SUBSTANCE AND RELEVANCE.

15 C. STUDENTS IN PUBLIC EDUCATIONAL INSTITUTIONS MAY PRAY OR ENGAGE IN
16 RELIGIOUS ACTIVITIES OR RELIGIOUS EXPRESSION BEFORE, DURING AND AFTER THE
17 SCHOOL DAY IN THE SAME MANNER AND TO THE SAME EXTENT THAT STUDENTS MAY ENGAGE
18 IN NONRELIGIOUS ACTIVITIES OR EXPRESSION.

19 D. STUDENTS IN PUBLIC EDUCATIONAL INSTITUTIONS MAY WEAR CLOTHING,
20 ACCESSORIES AND JEWELRY THAT DISPLAY RELIGIOUS MESSAGES OR RELIGIOUS SYMBOLS
21 IN THE SAME MANNER AND TO THE SAME EXTENT THAT OTHER TYPES OF CLOTHING,
22 ACCESSORIES AND JEWELRY THAT DISPLAY MESSAGES OR SYMBOLS ARE PERMITTED.

23 E. THIS SECTION SHALL NOT BE CONSTRUED TO AUTHORIZE THIS STATE OR ANY
24 OF ITS POLITICAL SUBDIVISIONS TO DO EITHER OF THE FOLLOWING:

25 1. REQUIRE ANY PERSON TO PARTICIPATE IN PRAYER OR IN ANY OTHER
26 RELIGIOUS ACTIVITY.

27 2. VIOLATE THE CONSTITUTIONAL RIGHTS OF ANY PERSON.

28 F. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF ANY
29 PUBLIC EDUCATIONAL INSTITUTION OR ANY EMPLOYEE, OFFICER OR AGENT OF A PUBLIC
30 EDUCATIONAL INSTITUTION TO DO EITHER OF THE FOLLOWING:

31 1. MAINTAIN ORDER AND DISCIPLINE ON THE CAMPUS OF THE PUBLIC
32 EDUCATIONAL INSTITUTION IN A CONTENT AND VIEWPOINT NEUTRAL MANNER.

33 2. PROTECT THE SAFETY OF STUDENTS AND FACULTY OF THE PUBLIC
34 EDUCATIONAL INSTITUTION.

35 G. EVERY PUBLIC EDUCATIONAL INSTITUTION SHALL ADOPT AND IMPLEMENT A
36 POLICY REGARDING VOLUNTARY EXPRESSION OF RELIGIOUS VIEWPOINTS BY STUDENTS,
37 INCLUDING THE PUBLIC EDUCATIONAL INSTITUTION'S PLAN TO COMPLY WITH THIS
38 SECTION AND SECTION 15-720.

39 H. FOR THE PURPOSES OF THIS SECTION, "PUBLIC EDUCATIONAL INSTITUTION"
40 MEANS ANY OF THE FOLLOWING:

41 1. A SCHOOL DISTRICT, INCLUDING ITS EMPLOYEES, OFFICERS OR AGENTS.

42 2. A SCHOOL IN A SCHOOL DISTRICT, INCLUDING ITS EMPLOYEES, OFFICERS OR
43 AGENTS.

44 3. A CHARTER SCHOOL, INCLUDING ITS EMPLOYEES, OFFICERS OR AGENTS.

1 4. AN ACCOMMODATION SCHOOL, INCLUDING ITS EMPLOYEES, OFFICERS OR
2 AGENTS.

3 5. THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND, INCLUDING
4 THEIR EMPLOYEES, OFFICERS OR AGENTS.

5 Sec. 2. Short title

6 This act may be cited as "The Students' Religious Liberties Act".

7 Sec. 3. Severability

8 If a provision of this act or its application to any person or
9 circumstance is held invalid, the invalidity does not affect other provisions
10 or applications of the act that can be given effect without the invalid
11 provision or application, and to this end the provisions of this act are
12 severable.