**South Carolina General Assembly**

118th Session, 2009-2010

**S. 874**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Fair

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Introduced in the Senate on May 21, 2009

Currently residing in the Senate Committee on **Education**

Summary: School Children's Religious Liberties Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/21/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\05-21-09.docx)‑4

5/21/2009 Senate Referred to Committee on **Education** [SJ](file:///h:\SJ%20Archive\2009\05-21-09.docx)‑4

**VERSIONS OF THIS BILL**

[5/21/2009](file:///p:\pprever\2009-10\874_20090521.docx)

**A** **BILL**

TO AMEND TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATION, TO ENACT THE “SCHOOL CHILDREN’S RELIGIOUS LIBERTIES ACT” BY ADDING CHAPTER 155 RELATING TO STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS, TO PROVIDE THAT A SCHOOL DISTRICT SHALL TREAT RELIGIOUS VIEWPOINTS EXPRESSED BY STUDENTS CONCERNING AN OTHERWISE PERMISSIBLE SUBJECT IN THE SAME MANNER AS NON‑RELIGIOUS VIEWPOINTS EXPRESSED BY STUDENTS ON THE SAME SUBJECT, TO PROVIDE THAT EACH SCHOOL DISTRICT IN THE STATE MUST ADOPT A POLICY ESTABLISHING A LIMITED PUBLIC FORUM FOR STUDENT SPEAKERS AT SCHOOL EVENTS, TO PROVIDE THE PARAMETERS OF THE POLICY, TO PROVIDE THAT STUDENTS MAY EXPRESS THEIR RELIGIOUS BELIEFS IN CLASS ASSIGNMENTS, AND TO PROVIDE THAT STUDENTS MUST BE PERMITTED TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES IN THE SAME MANNER THAT STUDENTS MAY ORGANIZE NON‑RELIGIOUS GROUPS AND ACTIVITIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “School Children’s Religious Liberties Act”.

SECTION 2. Title 59 of the 1976 Code is amended by adding:

“Chapter 155

Student Expression of Religious Viewpoints

Section 59‑155‑10. Each school district in this state shall treat a student’s voluntary expression of a religious viewpoint on an otherwise permissible subject in the same manner that the district treats a student’s voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

Section 59‑155‑20. (A) Each school district in this State shall adopt a policy consistent with this chapter that includes the establishment of a limited public forum for student speakers at all school events at which a student is to publicly speak. The policy regarding the limited public forum must also require the school district to:

(1) provide the forum in a manner that does not discriminate against a student’s voluntary expression of a religious viewpoint on an otherwise permissible subject;

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

(3) prohibit obscene, vulgar, offensively lewd, or indecent speech; and

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

(B) The school district disclaimer required by subsection (A)(4) must be provided at all graduation ceremonies and at any other event in which a student speaks publicly. The disclaimer must be made available for as long as necessary to convey to the public that the student’s speech does not:

(1) constitute an endorsement or sponsorship by the school district; or

(2) reflect a school district position on the subject matter of the speech.

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

Section 59‑155‑30. 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. Homework and classroom assignments must be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school district. Students may not be penalized or rewarded on account of the religious content of their work.

Section 59‑155‑40. 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 noncurricular student activities and groups. Religious groups must 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 must provide groups that meet for prayer or other religious speech the same advertising or announcement opportunities. A school district may disclaim school sponsorship of noncurricular groups and events in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.”

SECTION 3. This act takes effect upon approval by the Governor.

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