**A** **BILL**

TO AMEND SECTION 59‑1‑435, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION ACT, SO AS TO REQUIRE SCHOOLS TO PROVIDE A LIMITED PUBLIC FORUM FOR STUDENT SPEAKERS AT CERTAIN EVENTS IN A CERTAIN TIME, PLACE, AND MANNER, SUBJECT TO EXISTING EXCEPTIONS FOR GRADUATION CEREMONIES AND SCHOOL‑SPONSORED ATHLETIC EVENTS.

Whereas, in a nation founded on individual liberty, our founding fathers held the freedoms of speech and religion in such high regard that they placed them first among the amendments to our federal Constitution; and

Whereas, students in the public schools in our great nation once opened their school day with prayer, but changes in federal law have curtailed this spoken expression of religious belief in recent decades; and

Whereas, South Carolina has taken steps to empower students to exercise their constitutionally guaranteed religious liberty, but must do more in this regard within the related constraints imposed on public school officials; and

Whereas, in addition to protecting public school students from discrimination over expressing religious viewpoints and permitting students and providing student‑delivered messages at graduation ceremonies and school‑sponsored athletic events, this State also must empower these students to express their views by requiring the provision of a limited public forum for student speakers at all school events at which students are authorized to speak publicly. Now, therefore,

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

SECTION 1. Section 59‑1‑435 of the 1976 Code, as added by Act 180 of 2010, is amended to read:

“Section 59‑1‑435. (A) This section may be cited as the ‘Religious Viewpoints Antidiscrimination Act’.

(B) As used in this section, ‘discriminate’ means to make a distinction in favor of or against a person on the basis of the group, class, or category to which the person belongs, rather than according to actual merit.

(C) A school district shall treat a student’s voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student’s voluntary expression of a secular or other viewpoint on an otherwise permissible subject and must not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

(D) A student may express his beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of his submission. 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. A student may not be penalized or rewarded based on the religious content of his work.

(E) 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 not discriminate against groups that meet for prayer or other religious speech. 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.

(F)(1) A student is entitled to speak at all school events if the school authorizes another student to speak publicly, and the school must accommodate this right by providing a limited public forum for this speech at these events. A school is not responsible for the content of speech delivered in this forum, but may limit the speech to a designated topic and shall prohibit obscene, vulgar, offensively lewd, or indecent speech. A school must adopt a neutral method for designating student speakers, and may impose reasonable time limits available for a speech, provided the time allowed for each student speech as a particular limited public forum must be equal.

(2) The provisions of this item do not apply to graduation ceremonies or school‑sponsored athletic events.”

SECTION 2. This act takes effect upon approval by the Governor and is applicable beginning with the 2013‑2014 school year.

‑‑‑‑XX‑‑‑‑