DIGEST OF HB 1024 (Updated February 21, 2017 11:08 am - DI 84)

Citations Affected:  IC 20-30; IC 20-33.

Synopsis: Prayer in schools. Provides that a school corporation or charter school shall not discriminate against a student or a student's parent on the basis of a religious viewpoint or religious expression. Provides that 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. Provides that public school students may pray or engage in religious activities or religious expression before, during, and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression. Provides that students in public schools may wear clothing, accessories, and jewelry that display religious messages or religious symbols in the same manner and to the same extent that other types of clothing, accessories, and jewelry that display messages or symbols are permitted. Requires a school corporation or charter school to adopt a policy that must include the establishment of a limited public forum for student speakers who wish to include religious content at all school events at which a student is to publicly speak. Provides that the policy shall include requirements that require a school corporation or charter school to state, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the school corporation or charter school. Provides that the policy must include (Continued next page)

Effective: July 1, 2017.

Bartlett, Arnold L, Borders, Burton

January 4, 2017, read first time and referred to Committee on Education.
measures to make reasonable accommodations for individuals who wish to be excused from a student's speech that includes religious content because of the individual's own religious belief or lack of religious belief. Requires the department of education, in collaboration with the attorney general's office and organizations with expertise in religious civil liberties, to establish a model policy. Provides that each school corporation may include as an elective in the school corporation's high school curriculum a course surveying religions of the world.
HOUSE BILL No. 1024

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-30-6.1 is added to the Indiana Code as a new chapter to read as follows [effective July 1, 2017]:

Chapter 6.1. Optional Curriculum

Sec 1. (a) Each school corporation may include as an elective in the school corporation's high school curriculum a course surveying religions of the world. The course must include as part of the course's curriculum:

(1) the historical study of religion;
(2) the cultural study of religion; and
(3) a literary study of writings, documents, or records relating to various religions.

(b) The curriculum described in subsection (a) must be neutral, objective, and balanced. It may not encourage or promote acceptance of any particular religion.

SECTION 2. IC 20-33-12 is added to the Indiana Code as a new chapter to read as follows [effective  

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Chapter 12. Indiana Student Religious Civil Liberties

Sec. 1. This chapter applies to all public schools, including charter schools.

Sec. 2. A public school shall not discriminate against a student or a student's parent on the basis of a religious viewpoint or religious expression. A public school shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the public school 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.

Sec. 3. 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 public school. Students may not be penalized or rewarded on account of the religious content of their work. If an assignment requires a student's viewpoint to be expressed in course work, artwork, or other written or oral assignments, a public school shall not penalize or reward a student on the basis of religious content or a religious viewpoint. In such an assignment, a student's academic work that expresses a religious viewpoint shall be evaluated based on ordinary academic standards of substance and relevance to the course curriculum or requirements of the course work or assignment.

Sec. 4. (a) Public school students may pray or engage in religious activities or religious expressions before, during, and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression. Students may organize prayer groups, religious clubs, 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. A public school may indicate, in writing, orally, or both, that the religious activity does not reflect the endorsement, sponsorship, position, or expression of the public school.

(b) 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 public school may not discriminate against groups that
meet for prayer or other religious speech.

(c) A public school 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.

(d) Students in public schools may wear clothing, accessories,
and jewelry that display religious messages or religious symbols in
the same manner and to the same extent that other types of
clothing, accessories, and jewelry that display messages or symbols
are permitted. Nothing in this subsection shall be construed to
prohibit a school corporation or charter school from establishing
a policy requiring students to wear a school uniform or
establishing a student dress code.

Sec. 5. (a) To ensure that a school corporation does not
discriminate against a student's publicly stated voluntary
expression of a religious viewpoint, if any, and to eliminate any
actual or perceived affirmative school sponsorship or attribution
to the school corporation of a student's expression of a religious
viewpoint, if any, a school corporation or charter school shall
adopt a policy, which must include the establishment of a limited
civil forum for student speakers at all school events at which a
student is to publicly speak. The policy regarding the limited civil
forum must also require the school corporation to:

(1) provide the forum in a manner that does not discriminate
against a student's voluntary expression of a religious
viewpoint, if any, 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) ensure that a student speaker does not engage in 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, position, or
expression of the public school.

(b) The policy established under subsection (a) shall require the
disclaimer described in subsection (a)(4) to be provided at all
graduation ceremonies. The school corporation or charter school
must also continue to provide the disclaimer at any other event in
which a student speaks publicly for as long as a need exists to
dispel confusion over the school corporation's or charter school's
nonsponsorship of the student's speech.

(c) The policy established under subsection (a) must ensure that
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.

(d) The policy established under subsection (a) must include
measures to make reasonable accommodations for individuals who
wish to be excused from a student's speech that includes religious
content because of the individual's own religious belief or lack of
religious belief. Such accommodations may include requirements
that students who wish to express religious content in a limited
public forum speak at the beginning or end of the particular event
to allow individuals who desire not to be exposed to the religious
content the opportunity to be excused.

Sec. 6. (a) The department, in collaboration with the attorney
general's office and organizations with expertise in religious civil
liberties, shall establish a model policy addressing the requirements
established by this chapter. The model policy shall be made
available for school corporations and charter schools to assist a
school corporation or charter school in meeting the requirements
established by this chapter.

(b) The department shall publish the model policy established
under subsection (a) on the department's Internet web site.

Sec. 7. This chapter shall not be construed to authorize the state
or any political subdivision to do either of the following:

(1) Require any person to participate in prayer or in any
other religious activity.

(2) Violate the constitutional rights of any person.

Sec. 8. This chapter may not be construed to prohibit a school
from prohibiting behavior that is contrary to citizenship or moral
instruction required under IC 20-30-5.

Sec. 9. The provisions of this chapter are severable as provided
in IC 1-1-1-8(b).
Mr. Speaker: Your Committee on Education, to which was referred House Bill 1024, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "IC 20-30-5-22" and insert "IC 20-30-6.1".
Page 1, line 2, delete "SECTION" and insert "CHAPTER".
Page 1, line 3, delete "Sec. 22.", begin a new paragraph and insert: "Chapter 6.1. Optional Curriculum

Sec 1."
Page 1, line 3, delete "shall" and insert "may".
Page 4, line 15, after "with" insert "the attorney general's office and"
Page 4, between lines 27 and 28, begin a new paragraph and insert: "Sec. 8. This chapter may not be construed to prohibit a school from prohibiting behavior that is contrary to citizenship or moral instruction required under IC 20-30-5.".
Page 4, line 28, delete "8." and insert "9.".

and when so amended that said bill do pass.

(Reference is to HB 1024 as introduced.)

BEHNING

Committee Vote: yeas 10, nays 2.