

Arizona State Legislature

Bill Number Search: 

Forty-eighth Legislature - Second Regular Session

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State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2713

Introduced by

Representatives Clark, Anderson: Barto, Crump, Groe, Pearce, Robson, Tobin, Yarbrough,
Senators Gorman, Gould, Gray L, Harper, Johnson

AN ACT

AMENDING TITLE 15, ARTICLE 1, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-107; RELATING TO RELIGIOUS LIBERTIES IN PUBLIC EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 15-107, to read:

15-107. Rights of students at public educational institutions; limitations; remedy; definition

A. A PUBLIC EDUCATIONAL INSTITUTION SHALL NOT DISCRIMINATE AGAINST STUDENTS OR PARENTS ON THE BASIS OF A RELIGIOUS VIEWPOINT OR ON THE BASIS OF RELIGIOUS EXPRESSION. EACH PUBLIC EDUCATIONAL INSTITUTION SHALL PERMIT RELIGIOUS VIEWPOINTS IN THE SAME MANNER AND TO THE SAME EXTENT AS SECULAR VIEWPOINTS ARE PERMITTED ON THE SAME SUBJECT MATTER.

B. IF AN ASSIGNMENT REQUIRES A STUDENT'S VIEWPOINT TO BE EXPRESSED IN COURSEWORK, ARTWORK OR OTHER WRITTEN OR ORAL ASSIGNMENTS, A PUBLIC EDUCATIONAL INSTITUTION 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.

C. STUDENTS IN PUBLIC EDUCATIONAL INSTITUTIONS 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.

D. STUDENTS IN PUBLIC EDUCATIONAL INSTITUTIONS 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.

E. THIS SECTION SHALL NOT BE CONSTRUED TO AUTHORIZE THIS STATE OR ANY OF ITS POLITICAL SUBDIVISIONS 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.

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

1. MAINTAIN ORDER AND DISCIPLINE ON THE CAMPUS OF THE PUBLIC EDUCATIONAL INSTITUTION IN A CONTENT-NEUTRAL MANNER AND A VIEWPOINT-NEUTRAL MANNER.
2. PROTECT THE SAFETY OF STUDENTS AND FACULTY OF THE PUBLIC EDUCATIONAL INSTITUTION.

G. A PARENT OR GUARDIAN MAY BRING A CIVIL ACTION IN ANY COURT OF COMPETENT JURISDICTION TO ENFORCE THIS SECTION. IF THE PARENT OR GUARDIAN IS THE PREVAILING PARTY, THE COURT SHALL AWARD THE PARENT OR GUARDIAN ACTUAL AND COMPENSATORY DAMAGES, COSTS AND REASONABLE ATTORNEY FEES IN ANY ACTION BROUGHT PURSUANT TO THIS SECTION. THE COURT SHALL NOT AWARD PUNITIVE OR CONSEQUENTIAL DAMAGES IN ANY ACTION BROUGHT PURSUANT TO THIS SECTION.

H. EVERY PUBLIC EDUCATIONAL INSTITUTION SHALL ADOPT AND IMPLEMENT A POLICY REGARDING VOLUNTARY EXPRESSION OF RELIGIOUS VIEWPOINTS BY STUDENTS, INCLUDING THE PUBLIC EDUCATIONAL INSTITUTION'S

PLAN TO COMPLY WITH THIS SECTION AND SECTION 15-720.

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

- 1. A SCHOOL DISTRICT, INCLUDING ITS EMPLOYEES, OFFICERS OR AGENTS.**
- 2. A SCHOOL IN A SCHOOL DISTRICT, INCLUDING ITS EMPLOYEES, OFFICERS OR AGENTS.**
- 3. A CHARTER SCHOOL, INCLUDING ITS EMPLOYEES, OFFICERS OR AGENTS.**
- 4. AN ACCOMMODATION SCHOOL, INCLUDING ITS EMPLOYEES, OFFICERS OR AGENTS.**
- 5. THE ARIZONA SCHOOLS FOR THE DEAF AND THE BLIND, INCLUDING ITS EMPLOYEES, OFFICERS OR AGENTS.**

Sec. 2. Severability

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

Sec. 3. Short title

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