



**SB 436 Religious Expression in Public Schools**  
(CH. 2017-074, Laws of Florida)

**Bill Sponsor:** Senator Baxley

**Effective Date:** July 1, 2017

**DOE Contact:** Matt Mears, General Counsel, Office of the General Counsel, (850) 245-0442

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**Executive Summary:**

This bill codifies much of the case law covering protected religious expression in public schools and prohibits discrimination against students, parents or personnel on the basis of religious expression. It also states that districts must comply with Title VII of the Civil Rights Act of 1964, which prohibits discrimination against an employee on the basis of religion.

The bill requires school districts to treat a student's voluntary expression of a religious viewpoint on an otherwise permissible subject the same as the district treats a secular viewpoint. While a religious viewpoint is to be permitted without discrimination where a student viewpoint is allowed to be expressed, the bill states that assignments are still to be evaluated within the academic standards related to the course curriculum at issue. The bill also requires districts to allow students to wear religious clothing, accessories and jewelry to the extent secular items with symbols or messages are also allowed.

The bill requires that students be allowed to pray or participate in religious activities or gatherings before, during and after school, to the same extent secular activities or clubs are allowed. Employees may not be prevented from participating in religious activities on school grounds initiated by students prior to or after the school day, provided these activities are voluntary and do not conflict with the employee's other assignments. The bill requires school districts to give religious groups the same access to school facilities and ability to announce or advertise meetings as given to secular groups.

Finally, the bill requires all school districts to adopt a policy creating a limited public forum for student speakers at school events where students speak publicly and cannot discriminate against voluntary religious expression by a student on an otherwise permissible subject. The district must provide neutral criteria for selection of speakers, must ensure the speaker does not engage in obscene or vulgar speech, and must state in oral or written form that the student's speech does not reflect endorsement of the school district. The Department of Education will be required to develop a model policy regarding the limited public forum and voluntary expression of religious viewpoints and by students and school personnel in public schools must publish the policy on the DOE website. Each district school board is required to adopt and implement the Department's model policy.



## Section 1.

Creates new "Florida Student and School Personnel Religious Liberties Act.", to:

- Prohibit school district from discrimination against students, parents, or personnel on basis of religious views or expression.
- Require school districts to treat voluntary student expression of a religious viewpoint on an otherwise permissible subject in the same manner the district treats a secular viewpoint.
- Allow students to express religious beliefs in coursework without discrimination, and prohibits reward or penalty based on religious content where the assignment requires student viewpoint to be expressed.
- Allow students to wear religious clothing, accessories and jewelry to the extent secular items with messages or symbols are allowed.
- Allow students to pray or participate in religious activities before, during and after school, including organization of religious clubs or gatherings, to the same extent secular activities or clubs are allowed.
- Employees may not be prevented from participating in religious activities in school grounds that are initiated by students at reasonable times prior to or after the school day, if such activities are voluntary and do not conflict with other assignments of such personnel.
- Require school districts to comply with Title II of the Civil Rights Act of 1964.
- Require school districts to give religious groups the same access to same school facilities as given to secular groups, and requires the district to allow religious groups to advertise in the same manner and to the same extent as secular groups.
- Require school districts to adopt a policy that establishes a limited public forum for student speakers at school events where students speak publicly. The school district cannot discriminate against voluntary expression of a student's religious views on otherwise permissible subject, must provide neutral criteria for selection of student speakers, must ensure that the student speaker does not engage in obscene, vulgar, offensively lewd or indecent speech, and must state in oral or written form that the student's speech does not reflect endorsement or position of the school district.
- Require the Department of Education to develop a model policy regarding the limited public forum and voluntary expression of religious viewpoints and by students and school personnel in public schools pursuant to this section and shall publish the policy on the DOE website. Each district school board is required to adopt and implement the Department's model policy.

## Section 2.

Provides effective date of July 1, 2017.

**General Implementation Timeline:**