

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SENATE BILL 1393

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-110; RELATING TO RELIGIOUS LIBERTIES IN PUBLIC EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 15-110, to read:

4 15-110. Rights of students at public educational institutions:
5 limitations: definition

6 A. A PUBLIC EDUCATIONAL INSTITUTION SHALL NOT DISCRIMINATE AGAINST
7 STUDENTS OR PARENTS ON THE BASIS OF A RELIGIOUS VIEWPOINT OR RELIGIOUS
8 EXPRESSION.

9 B. IF AN ASSIGNMENT REQUIRES A STUDENT'S VIEWPOINT TO BE EXPRESSED IN
10 COURSEWORK, ARTWORK OR OTHER WRITTEN OR ORAL ASSIGNMENTS, A PUBLIC
11 EDUCATIONAL INSTITUTION SHALL NOT PENALIZE OR REWARD A STUDENT ON THE BASIS
12 OF RELIGIOUS CONTENT OR A RELIGIOUS VIEWPOINT. IN SUCH AN ASSIGNMENT, A
13 STUDENT'S ACADEMIC WORK THAT EXPRESSES A RELIGIOUS VIEWPOINT SHALL BE
14 EVALUATED BASED ON ORDINARY ACADEMIC STANDARDS OF SUBSTANCE AND RELEVANCE TO
15 THE COURSE CURRICULUM OR REQUIREMENTS OF THE COURSEWORK OR ASSIGNMENT.

16 C. STUDENTS IN PUBLIC EDUCATIONAL INSTITUTIONS MAY PRAY OR ENGAGE IN
17 RELIGIOUS ACTIVITIES OR RELIGIOUS EXPRESSION BEFORE, DURING AND AFTER THE
18 SCHOOL DAY IN THE SAME MANNER AND TO THE SAME EXTENT THAT STUDENTS MAY ENGAGE
19 IN NONRELIGIOUS ACTIVITIES OR EXPRESSION.

20 D. STUDENTS IN PUBLIC EDUCATIONAL INSTITUTIONS MAY WEAR CLOTHING,
21 ACCESSORIES AND JEWELRY THAT DISPLAY RELIGIOUS MESSAGES OR RELIGIOUS SYMBOLS
22 IN THE SAME MANNER AND TO THE SAME EXTENT THAT OTHER TYPES OF CLOTHING,
23 ACCESSORIES AND JEWELRY THAT DISPLAY MESSAGES OR SYMBOLS ARE PERMITTED.

24 E. THIS SECTION SHALL NOT BE CONSTRUED TO AUTHORIZE THIS STATE OR ANY
25 OF ITS POLITICAL SUBDIVISIONS TO DO EITHER OF THE FOLLOWING:

26 1. REQUIRE ANY PERSON TO PARTICIPATE IN PRAYER OR IN ANY OTHER
27 RELIGIOUS ACTIVITY.

28 2. VIOLATE THE CONSTITUTIONAL RIGHTS OF ANY PERSON.

29 F. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF ANY
30 PUBLIC EDUCATIONAL INSTITUTION TO DO ANY OF THE FOLLOWING:

31 1. MAINTAIN ORDER AND DISCIPLINE ON THE CAMPUS OF THE PUBLIC
32 EDUCATIONAL INSTITUTION IN A CONTENT AND VIEWPOINT NEUTRAL MANNER.

33 2. PROTECT THE SAFETY OF STUDENTS, EMPLOYEES AND VISITORS OF THE
34 PUBLIC EDUCATIONAL INSTITUTION.

35 3. ADOPT AND ENFORCE POLICIES AND PROCEDURES REGARDING STUDENT SPEECH
36 AT SCHOOL PROVIDED THAT THE POLICIES AND PROCEDURES DO NOT VIOLATE THE RIGHTS
37 OF STUDENTS AS GUARANTEED BY THE UNITED STATES AND ARIZONA CONSTITUTIONS AND
38 LAWS.

39 4. ADOPT AND ENFORCE POLICIES AND PROCEDURES THAT PROHIBIT STUDENTS
40 FROM WEARING ANY TYPE OF CLOTHING, ACCESSORIES AND JEWELRY THAT IS WORN WITH
41 THE INTENT TO CONVEY AFFILIATION WITH A CRIMINAL STREET GANG AS DEFINED IN
42 SECTION 13-105.

43 G. A STUDENT OR A STUDENT'S PARENT SHALL NOT INITIATE LEGAL ACTION TO
44 ENFORCE THIS SECTION UNLESS THE STUDENT OR THE STUDENT'S PARENT HAS DONE THE
45 FOLLOWING:

1 1. THE STUDENT OR THE STUDENT'S PARENT SHALL SUBMIT A COMPLAINT IN
2 WRITING WITH THE SPECIFIC FACTS OF THE ALLEGED VIOLATION TO THE PRINCIPAL OF
3 THE SCHOOL. THE PRINCIPAL SHALL INVESTIGATE THE COMPLAINT AND RESPOND IN
4 WRITING, INCLUDING A DESCRIPTION OF ANY ACTION TAKEN TO RESOLVE THE
5 COMPLAINT, WITHIN FIFTEEN DAYS OF RECEIVING THE WRITTEN COMPLAINT.

6 2. IF THE ACTION TAKEN BY THE PRINCIPAL OF THE SCHOOL DOES NOT RESOLVE
7 THE COMPLAINT OF THE STUDENT OR THE STUDENT'S PARENT, THE STUDENT OR THE
8 STUDENT'S PARENT SHALL SUBMIT A COMPLAINT IN WRITING WITH THE SPECIFIC FACTS
9 OF THE ALLEGED VIOLATION TO THE SUPERINTENDENT OR DESIGNATED ADMINISTRATOR.
10 THE SUPERINTENDENT OR DESIGNATED ADMINISTRATOR SHALL INVESTIGATE THE
11 COMPLAINT AND RESPOND IN WRITING, INCLUDING A DESCRIPTION OF ANY ACTION TAKEN
12 TO RESOLVE THE COMPLAINT, WITHIN TWENTY-FIVE DAYS OF RECEIVING THE WRITTEN
13 COMPLAINT.

14 3. IF THE ACTION TAKEN BY THE SUPERINTENDENT OR DESIGNATED
15 ADMINISTRATOR DOES NOT RESOLVE THE COMPLAINT OF THE STUDENT OR THE STUDENT'S
16 PARENT, THE STUDENT OR THE STUDENT'S PARENT MAY PURSUE LEGAL ACTION TO
17 ENFORCE THIS SECTION.

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

- 20 1. A SCHOOL DISTRICT, INCLUDING ITS SCHOOLS.
- 21 2. A CHARTER SCHOOL.
- 22 3. AN ACCOMMODATION SCHOOL.
- 23 4. THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND.

24 Sec. 2. Short title

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

26 Sec. 3. Severability

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