
SENATE BILL No. 95

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-19-3-9; IC 20-33-12.

Synopsis: Student expression of religious viewpoints. Provides that a public school student may not be discriminated against for expressing a religious viewpoint in schoolwork or on otherwise permissible subjects. Provides that students may form and advertise religion based noncurricular groups in the same manner as other groups. Requires a school corporation to adopt a policy establishing a limited public forum for students in which the students may express religious viewpoints. Requires the department of education to develop and make available to school corporations a model limited public forum policy.

Effective: July 1, 2009.

Lewis

January 7, 2009, read first time and referred to Committee on Education and Career Development.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 95



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

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

1 SECTION 1. IC 20-19-3-9 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 9. (a) The department shall develop and make
4 available to school corporations a model limited public forum
5 policy that includes the provisions set forth in IC 20-33-12-5.**

6 **(b) In developing the model limited public forum policy under
7 subsection (a), the department shall examine policies adopted in
8 other states and may collect information from any other source.**

9 **(c) The department shall revise the model limited public forum
10 policy as necessary in response to changes in the applicable law.**

11 SECTION 2. IC 20-33-12 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2009]:

14 **Chapter 12. Student Expression of Religious Viewpoints**
15 **Sec. 1. This chapter does not apply to a nonpublic school.**

16 **Sec. 2. (a) A student may express the student's viewpoints about
17 religion in homework, artwork, and other written and oral**



1 assignments without discrimination based on the religious content
2 of the student's submission.

3 (b) Student homework and classroom assignments must be
4 judged:

5 (1) by ordinary academic standards of substance and
6 relevance; and

7 (2) against other legitimate pedagogical concerns identified by
8 a school corporation.

9 A student may not be penalized or rewarded based on the religious
10 content of the student's work.

11 Sec. 3. (a) A school corporation may not discriminate against a
12 student based on a religious viewpoint expressed by the student on
13 an otherwise permissible subject.

14 (b) A school corporation shall treat a student's voluntary
15 expression of a religious viewpoint on an otherwise permissible
16 subject in the same manner the school corporation treats a
17 student's voluntary expression of a secular or other viewpoint on
18 an otherwise permissible subject.

19 Sec. 4. (a) Students may organize prayer groups, religious clubs,
20 or other religious gatherings before, during, and after school to the
21 same extent that students are allowed to organize other
22 noncurricular activities and groups.

23 (b) A school shall give a religious group the same:

24 (1) access to facilities for assembling; and

25 (2) permission to advertise or announce meetings;

26 as are given to other noncurricular groups.

27 (c) A school or school corporation may disclaim school
28 sponsorship of noncurricular groups and events in a manner that
29 does not favor or disfavor groups that engage in prayer or religious
30 speech.

31 Sec. 5. (a) To ensure that a school corporation does not
32 discriminate against a student's publicly stated voluntary
33 expression of a viewpoint, the school corporation shall adopt a
34 policy establishing a limited public forum for student speakers at
35 all school events, including graduations, at which a student is to
36 publicly speak.

37 (b) The limited public forum policy adopted under subsection
38 (a) must:

39 (1) be conducted in a manner that does not discriminate
40 against a student's voluntary expression of a religious
41 viewpoint, if any, on an otherwise permissible subject;

42 (2) provide a method based on neutral criteria for the

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1 **selection of student speakers at school events;**
2 **(3) ensure that a student does not engage in obscene, vulgar,**
3 **offensively lewd, or indecent speech; and**
4 **(4) provide for either a written or an oral disclaimer, or both,**
5 **to be repeated at all school events, that states that the**
6 **student's speech does not reflect the endorsement,**
7 **sponsorship, position, or expression of the school corporation.**
8 **(c) A school corporation may use the model limited public**
9 **forum policy under IC 20-19-3-9 as a basis for the school**
10 **corporation's policy.**

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