Ohio Legislative Service Commission

Bill Analysis

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H.B. 303

130th General Assembly
(As Reported by H. Education)

Reps. Hayes, Hood, J. Adams, Becker, Derickson, Hall, Wachtmann, Scherer, Hill, Buchy, Maag, Lynch, McClain, Conditt, Henne, Patmon

BILL SUMMARY

- Authorizes students enrolled in public schools to engage in religious expression before, during, and after school hours in the same manner and to the same extent that a student may engage in secular activities or expression.
- Prohibits public schools from restricting a student from engaging in religious expression in the completion of homework, artwork, or other assignments.
- Prohibits public schools from rewarding or penalizing a student based on the religious content of the student's homework, artwork, or other assignments.
- Designates the bill's provisions regarding religious expression as the "Ohio Student Religious Liberties Act."

CONTENT AND OPERATION

Religious expression at school

Current law prohibits a school district board of education from adopting any policy or rule respecting or promoting an establishment of religion or prohibiting any student from the exercise or expression of the student's religious beliefs. However, the law permits, district boards to limit that exercise or expression to lunch periods or noninstructional time periods.[1]

The bill provides *instead* that a student enrolled in a school district, community school, STEM school, or college-preparatory boarding school may engage in religious

[1] R.C. 3313.601, not in the bill.

expression "before, during, and after school hours in the same manner and to the same extent that a student is permitted to engage in secular activities or expression during corresponding times."[2] The bill does not directly amend the current law. But it states that its provisions are enacted notwithstanding the current law. Presumably, that means that religious expression must be permitted at times *other* than lunch periods or other noninstructional time periods. Still, the bill does not appear to prohibit other non-content-based time, place, and manner restrictions on religious expression.

On the other hand, the bill explicitly prohibits public schools from restricting a student from engaging in religious expression in the completion of homework, artwork, or other written or oral assignments. Grades and scores for those assignments must be calculated using ordinary academic standards of substance and relevance, including any legitimate pedagogical concerns. Moreover, it expressly prohibits public schools from penalizing or rewarding a student based on the religious content of the student's work.[3]

Religious expression definition

The bill defines "religious expression" as including any of the following:

(1) Prayer;

(2) Religious gathering, including, but not limited to, prayer groups, religious clubs, "see you at the pole" gatherings, or other religious gatherings;

(3) Distribution of written materials or literature of a religious nature;

(4) Any other activity of a religious nature, including wearing symbolic clothing or expression of a religious viewpoint, provided that the activity is not obscene, vulgar, offensively lewd, or indecent.[4]

Designation of the bill

The bill states that its substantive provisions regarding religious expression are to be collectively known as the "Ohio Student Religious Liberties Act."[5]

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[2] R.C. 3320.02.

[3] R.C. 3320.03.

[4] R.C. 3320.01.

[5] R.C. 3320.01.

Background on current statutory law

As noted above, current statutory law prohibits a school district board of education from adopting any policy or rule respecting or promoting an establishment of religion or prohibiting any student from the free, individual, and voluntary exercise or expression of the student's religious beliefs. However, the law specifies that a district board may limit that exercise or expression to lunch periods or "other noninstructional time periods when pupils are free to associate."[6]

Further, current law expressly permits a district board to "provide for a moment of silence each school day for prayer, reflection, or meditation upon a moral, philosophical, or patriotic theme."[7] No student may be required to participate in the moment of silence.

Finally, the law specifies that a district board may not prohibit a classroom teacher from providing in the classroom reasonable periods of time for activities of a moral, philosophical, or patriotic theme. Similarly, no student may be required to participate in the activities, if the activities are contrary to the religious convictions of the student or the student's parents or guardians.[8]

HISTORY

ACTION	DATE
Introduced	10-16-13
Reported, H. Education	12-02-14

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[6] R.C. 3313.601.

[7] R.C. 3313.601.

[8] R.C. 3313.601.