**South Carolina General Assembly**

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**H. 4384**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Burns, V.S. Moss, Toole and Loftis

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Introduced in the House on January 9, 2018

Currently residing in the House Committee on **Judiciary**

Summary: Religious Viewpoints Antidiscrimination Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/9/2017 House Prefiled

11/9/2017 House Referred to Committee on **Judiciary**

1/9/2018 House Introduced and read first time ([House Journal‑page 91](file:///h:\hj\20180109.docx))

1/9/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 91](file:///h:\hj\20180109.docx))

2/27/2018 House Member(s) request name added as sponsor: Toole

3/12/2018 House Member(s) request name added as sponsor: Loftis

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**VERSIONS OF THIS BILL**

[11/9/2017](file:///p:\pprever\2017-18\4384_20171109.docx)

**A** **BILL**

TO AMEND SECTION 59‑1‑435, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE “RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION ACT”, SO AS TO REVISE AND EXPAND PROTECTIONS AFFORDED BY THE ACT, TO EXTEND SUCH PROTECTIONS TO SCHOOL PERSONNEL, TO REQUIRE SCHOOL BOARDS TO ADOPT RELATED POLICIES, TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP RELATED MODEL POLICES, AND TO REVISE THE CITATION TO THE ACT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑1‑435 of the 1976 Code, as added by Act 180 of 2010, is amended to read:

“Section 59‑1‑435. (A) This section may be cited as the ‘~~Religious Viewpoints Antidiscrimination Act~~ Student and School Personnel Religious Liberties Act’.

(B) As used in this section, ‘discriminate’ means to make a distinction in favor of or against a person on the basis of the group, class, or category to which the person belongs, rather than according to actual merit.

(C) A school may not discriminate against a student, parent, or school personnel on the basis of a religious viewpoint or religious expression. A school district shall treat a student’s voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student’s voluntary expression of a secular or other viewpoint on an otherwise permissible subject and must not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

(D)(1) A student may express his beliefs about religion in coursework, homework, artwork, and other written and oral assignments free from discrimination based on the religious content of his submission. Homework and classroom assignments must be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school district. A student may not be penalized or rewarded based on the religious content of his work.

(2) A student may wear clothing, accessories, and jewelry that display a religious message or symbol in the same manner and to the same extent that secular types of clothing, accessories, and jewelry that display messages or symbols are permitted to be worn.

~~(E)~~ ~~Students may organize prayer groups, religious clubs, ‘see you at the pole’ gatherings, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups must be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the students’ expression. If student groups that meet for nonreligious activities are permitted to advertise or announce meetings of the groups, the school district must not discriminate against groups that meet for prayer or other religious speech. A school district may disclaim school sponsorship of noncurricular groups and events in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.~~

(E)(1) A student 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 a student may engage in secular activities or expression. A student may organize prayer groups, religious clubs, and other religious gatherings before, during, and after the school day in the same manner and to the same extent that a student is permitted to organize secular activities and groups.

(2)(a) A school district may not prevent school personnel from participating in religious activities on school grounds that are initiated by students at reasonable times before or after the school day if such activities are voluntary and do not conflict with the responsibilities or assignments of such personnel.

(b) A school district shall comply with the federal requirements in Title VII of the Civil Rights Act of 1964, which prohibits an employer from discriminating against an employee on the basis of religion.

(3) A school district shall give a religious group access to the same school facilities for assembling as given to secular groups without discrimination based on the religious content of the group’s expression. A group that meets for prayer or other religious speech may advertise or announce its meetings in the same manner and to the same extent that a secular group may advertise or announce its meetings.

(F)(1) A school district shall adopt a policy that establishes a limited public forum for student speakers at any school event at which a student is to speak publicly. The limited public forum policy shall require the school district to:

(a) provide the forum in a manner that does not discriminate against a student’s voluntary expression of a religious viewpoint on an otherwise permissible subject;

(b) provide a method based on neutral criteria for the selection of student speakers at school events, activities, and graduation ceremonies;

(c) ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and

(d) state in written or oral form that the student’s speech does not reflect the endorsement, sponsorship, position, or expression of the school district.

(2) The school district shall deliver the disclaimer required in item (1)(d) at all graduation events and any other event at which a student speaks publicly.

(3) Student expression of a religious viewpoint on an otherwise permissible subject may not be excluded from the limited public forum.

(G) The State Department of Education shall develop a model policy regarding a limited public forum and voluntary expression of religious viewpoints by students and school personnel in public schools pursuant to this section. The department shall publish the model policy on its website. Each district school board shall adopt and implement the department’s model policy.”

SECTION 2. This act takes effect upon approval by the Governor.

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