

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 556

By: Senator J. Dotson
By: Representative Vaught

For An Act To Be Entitled

AN ACT TO CREATE THE RELIGIOUS VIEWPOINT
ANTIDISCRIMINATION ACT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE RELIGIOUS VIEWPOINT
ANTIDISCRIMINATION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 10, Subchapter 1, is amended to add an additional section to read as follows:

6-10-137. Religious Viewpoint Antidiscrimination Act.

(a) This section shall be known and may be cited as the "Religious Viewpoint Antidiscrimination Act".

(b) A public school district:

(1) Shall treat a public school student's voluntary expression, if any, of a religious viewpoint on an otherwise permissible subject in the same manner the public school district treats a public school student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject; and

(2) May not discriminate against a public school student based on a religious viewpoint expressed by the public school student on an otherwise permissible subject.

(c)(1) A public school district shall adopt a policy to:

(A) Ensure that a public school district does not discriminate against a public school student's voluntary expression, if any,



of a religious viewpoint; and

(B) Eliminate any actual or perceived affirmative school sponsorship or attribution to the public school district of a public school student's public expression of a religious viewpoint, if any.

(2) A policy adopted under subdivision (c)(1) of this section shall include without limitation the:

(A)(i) Establishment of a limited public forum for public school student speakers at all public school events at which a public school student may speak publicly.

(ii) A public school student's expression of a religious viewpoint, if any, on an otherwise permissible subject shall not be excluded from the limited public forum established under subdivision (c)(2)(A)(i) of this section;

(B) Provision of a limited public forum that does not discriminate against a public school student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;

(C) Provision of a method, based on neutral criteria, for the selection of public school speakers at public school events, including graduation ceremonies;

(D) Procedures to ensure that a public school student speaker does not engage in speech that is:

(i) Obscene;

(ii) Vulgar;

(iii) Offensively lewd; or

(iv) Indecent; and

(E)(i) Disclaimer that a public school student speaker's speech does not reflect the endorsement, sponsorship, position, or expression of the public school district.

(ii) The disclaimer under subdivision (c)(2)(E)(i) of this section may be stated:

(a) In writing; or

(b) Orally.

(iii) The disclaimer under subdivision (c)(2)(E)(i) of this section shall be provided:

(a) At all public school graduation ceremonies; and

(b) At any other public school event at which a public school student speaker speaks publicly.

(d)(1) A public school student may express his or her religious viewpoint, if any, in the following contexts without discrimination based on the religious content, if any:

- (A) Homework;
- (B) Classwork;
- (C) Artwork; and
- (D) Other written or oral assignments.

(2) A public school student's homework, classwork, artwork, or other written or oral assignments shall be graded and judged:

- (A) By ordinary academic standards of substance and relevance; and
- (B) Against other conventional, pedagogical topics as identified by a public school district.

(3) A public school student shall not be penalized or rewarded based on the religious content, if any, of his or her homework, classwork, artwork, or other written or oral assignments.

(e) In the event that the legality or constitutionality of this act is challenged in a court of law, the Attorney General may:

- (1) Prepare and present a legal defense of this act; or
- (2)(A) Request that First Liberty Institute prepare and present a legal defense of this act.
- (B) A request that First Liberty Institute prepare and present a legal defense of this act shall not be subject to § 25-16-702.