

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1830

5 By: Representatives Dotson, Bentley, M. Berry, Breaux, Vaught  
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## For An Act To Be Entitled

8 AN ACT TO CREATE THE RELIGIOUS VIEWPOINT  
9 ANTIDISCRIMINATION ACT; AND FOR OTHER PURPOSES.  
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### Subtitle

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12 TO CREATE THE RELIGIOUS VIEWPOINT  
13 ANTIDISCRIMINATION ACT.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code Title 6, Chapter 10, Subchapter 1, is amended  
20 to add an additional section to read as follows:

21 6-10-135. Religious Viewpoint Antidiscrimination Act.

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

24 (b) A public school district:

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

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

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

34 (A) Ensure that a public school district does not  
35 discriminate against a public school student's voluntary expression, if any,  
36 of a religious viewpoint; and



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

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

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

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

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

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

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

21                   (i) Obscene;

22                   (ii) Vulgar;

23                   (iii) Offensively lewd; or

24                   (iv) Indecent; and

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

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

30                   (a) In writing; or

31                   (b) Orally.

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

34                   (a) At all public school graduation  
35 ceremonies; and

36                   (b) At any other public school event at which

1 a public school student speaker speaks publicly.

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

5 (A) Homework;

6 (B) Classwork;

7 (C) Artwork; and

8 (D) Other written or oral assignments.

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

11 (A) By ordinary academic standards of substance and  
 12 relevance; and

13 (B) Against other conventional, pedagogical topics as  
 14 identified by a public school district.

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

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

20 (1) Prepare and present a legal defense of this act; or

21 (2)(A) Request that First Liberty Institute prepare and present  
 22 a legal defense of this act.

23 (B) A request that First Liberty Institute prepare and  
 24 present a legal defense of this act shall not be subject to § 25-16-702.

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