

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

1 State of Arkansas *As Engrossed: H3/31/21 H4/7/21*

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1830

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5 By: Representatives Dotson, Bentley, M. Berry, Breaux, Vaught, *B. Smith, Tollett, Deffenbaugh, Evans,*

6 *Womack, Lowery, S. Meeks, Speaks, Brown, L. Johnson, Cozart, Beck, Bragg*

7 *By: Senators Beckham, B. Ballinger, T. Garner, Rapert*

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For An Act To Be Entitled

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AN ACT TO CREATE THE RELIGIOUS VIEWPOINT

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ANTIDISCRIMINATION ACT; AND FOR OTHER PURPOSES.

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Subtitle

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TO CREATE THE RELIGIOUS VIEWPOINT

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ANTIDISCRIMINATION ACT.

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

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21 SECTION 1. Arkansas Code Title 6, Chapter 10, Subchapter 1, is amended

22 to add an additional section to read as follows:

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6-10-135. Religious Viewpoint Antidiscrimination Act.

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(a) This section shall be known and may be cited as the "Religious

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Viewpoint Antidiscrimination Act".

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(b) A public school district:

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(1) Shall treat a public school student's voluntary expression,

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if any, of a religious viewpoint on an otherwise permissible subject in the

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same manner the public school district treats a public school student's

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voluntary expression of a secular or other viewpoint on an otherwise

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permissible subject; and

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(2) May not discriminate against a public school student based

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on a religious viewpoint expressed by the public school student on an

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otherwise permissible subject.

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

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(A) Ensure that a public school district does not



1 discriminate against a public school student's voluntary expression, if any,
2 of a religious viewpoint; and

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

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

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

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

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

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

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

23 (i) Obscene;

24 (ii) Vulgar;

25 (iii) Offensively lewd; or

26 (iv) Indecent; and

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

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

32 (a) In writing; or

33 (b) Orally.

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

36 (a) At all public school graduation

1 ceremonies; and

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

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

7 (A) Homework;

8 (B) Classwork;

9 (C) Artwork; and

10 (D) Other written or oral assignments.

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

13 (A) By ordinary academic standards of substance and
14 relevance; and

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

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

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

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

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

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

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28 */s/Dotson*
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