

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 556

5 By: Senator J. Dotson
6 By: Representative Vaught
7

For An Act To Be Entitled

8 AN ACT TO CREATE THE RELIGIOUS VIEWPOINT
9 ANTIDISCRIMINATION ACT; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO CREATE THE RELIGIOUS VIEWPOINT
12 ANTIDISCRIMINATION ACT.
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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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16 SECTION 1. Arkansas Code Title 6, Chapter 10, Subchapter 1, is amended to
17 add an additional section to read as follows:
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19 6-10-137. Religious Viewpoint Antidiscrimination Act.

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

22 (b) A public school district:

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

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

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

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

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

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

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

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

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

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

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

22 (i) Obscene;

23 (ii) Vulgar;

24 (iii) Offensively lewd; or

25 (iv) Indecent; and

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

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

31 (a) In writing; or

32 (b) Orally.

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

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

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

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

6 (A) Homework;

7 (B) Classwork;

8 (C) Artwork; and

9 (D) Other written or oral assignments.

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

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

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

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

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

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

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

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

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