

## QUESTIONS AND ANSWERS

1. Will everyone please look at the first page of this Bill, Subchapter E, the first substantive sentence. It says:

“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 may not discriminate against the student based on a religious viewpoint expressed by the student on an OTHERWISE PERMISSIBLE SUBJECT.”

2. Please look at the words “PERMISSIBLE SUBJECT.” Who gets to pick the PERMISSIBLE SUBJECT that students will be allowed to discuss?

The school.

3. So, it is the school--not the student--that has complete control over the permissible topic that can be discussed by the students, is that correct?

Yes.

4. Does the Bill allow a religious student to express a religious viewpoint on any topic whenever they want to?

No. If the school is not allowing a secular viewpoint to be espoused on a topic, then neither can a religious viewpoint be espoused on the topic.

5. In a “limited public forum” if the speaker does not stick to the topic that has been designated by the school, could that student be disciplined?

Yes, to the same extent that a student could be disciplined for violating any other rule of the school.

6. So, it is only when students are permitted by the school to give a secular viewpoint on a topic that a student will be permitted to give a religious viewpoint on the same topic. Is that correct?

Yes, that is correct.

7. This Bill includes a Model Policy. Why is it in this Bill?

The Model Policy is there to make it easy for schools to comply with the law. According to the Superintendents who testified before the State Affairs Committee, the Model Policy will be a lifesaver to Texas schools because the attorney’s at TASB have never provided schools with a Local Policy (FNA) covering “Student Expression” to show schools how to procedurally comply with the law. TASB has only provided a “Legal Policy” merely stating the cold case pronouncements, without giving a Local Policy for a school to adopt to procedurally carry out the case law. Merely providing schools a cold statement of the law does not tell schools how to translate the technical legal principals into a workable, applicable

policy. This void has left school in the dark and open to lawsuits from all sides.

8. Has this type of Model Policy ever been tried in any public school to see how they would work?

Yes. This type of Model Policy has been tested in a number of school districts from Texas to Illinois. The State Affairs Committee heard testimony from a Texas Superintendent whose school has a 6 year history under an almost identical Model Policy with not a single instance of problems, complaints, threats, lawsuits or misuse by any student. Another Superintendent in Illinois had a 4 year history of use of the Model Policy with no problems, complaints, threats, lawsuits or misuse by any student.

9. The U.S. Department of Education has published prayer guidance for public schools, so why is this Bill needed?

The prayer guidance document by the Department of Education is only GUIDANCE and is not law. Also, the document only states the cold case law and does not have any Model Policy to show schools how to translate the law into a workable, applicable policy. Most schools just ignore the guidance since it is not State or Federal Law--as has been seen in the many cases of continuing religious discrimination against students in public schools.

10. Would it be accurate to say that this is an anti-discrimination Bill that protects religious viewpoints only to the same degree--no more and no less--as secular viewpoints on the same topics?

Yes.

11. Does the Bill create any EXTRA protection for religious student speech simply because the speech is religious?

No. The Bill only says that if students are already being allowed to speak on a topic that the school says is a PERMISSIBLE SUBJECT for student discussion, then a religious student cannot be censored simply because that student's viewpoint is religious.

12. Under this Bill, if a student is given an assignment to draw a picture of a building and the student turns in a picture of Jesus, does this Bill protect that student's religious viewpoint?

No; because the student's religious viewpoint expressed was not on the subject that the school had assigned for the student to draw. If a non-religious student had drawn a picture of a flower when the topic was to be a building, that would be the same problem. Both could be given an "F" for not staying on the subject.

13. What if the assignment had been to draw "the hero of your choice" and a student drew a picture of Jesus, would the Bill protect that religious expression?

Yes; because the student stuck to the subject. Drawings of both secular and religious heroes should all be treated the same and then judged on the same bases.

14. Would it be accurate to say that this is merely an equal-opportunity Bill?

Yes, that would be accurate.

15. Does this Bill require or suggest or imply that students should ever pray or express any type of religious viewpoint?

No.

16. Does this Bill give religious students extra rights?

No; just equal rights

17. Does this Bill give religious students special protection?

No; just equal protection.

18. Does this Bill give religious students preferential treatment?

No; just equal treatment.