

House Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 88

## **HOUSE BILL 2357**

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES; BY ADDING SECTION 15-110; RELATING TO RELIGIOUS LIBERTIES IN PUBLIC EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes,  
3 is amended by adding section 15-110, to read:

4 15-110. Rights of students at public educational institutions;  
5 limitations; definition

6 A. A PUBLIC EDUCATIONAL INSTITUTION SHALL NOT DISCRIMINATE AGAINST  
7 STUDENTS OR PARENTS ON THE BASIS OF A RELIGIOUS VIEWPOINT OR RELIGIOUS  
8 EXPRESSION.

9 B. IF AN ASSIGNMENT REQUIRES A STUDENT'S VIEWPOINT TO BE EXPRESSED IN  
10 COURSEWORK, ARTWORK OR OTHER WRITTEN OR ORAL ASSIGNMENTS, A PUBLIC  
11 EDUCATIONAL INSTITUTION SHALL NOT PENALIZE OR REWARD A STUDENT ON THE BASIS  
12 OF RELIGIOUS CONTENT OR A RELIGIOUS VIEWPOINT. IN SUCH AN ASSIGNMENT, A  
13 STUDENT'S ACADEMIC WORK THAT EXPRESSES A RELIGIOUS VIEWPOINT SHALL BE  
14 EVALUATED BASED ON ORDINARY ACADEMIC STANDARDS OF SUBSTANCE AND RELEVANCE TO  
15 THE COURSE CURRICULUM OR REQUIREMENTS OF THE COURSEWORK OR ASSIGNMENT.

16 C. STUDENTS IN PUBLIC EDUCATIONAL INSTITUTIONS MAY PRAY OR ENGAGE IN  
17 RELIGIOUS ACTIVITIES OR RELIGIOUS EXPRESSION BEFORE, DURING AND AFTER THE  
18 SCHOOL DAY IN THE SAME MANNER AND TO THE SAME EXTENT THAT STUDENTS MAY ENGAGE  
19 IN NONRELIGIOUS ACTIVITIES OR EXPRESSION.

20 D. STUDENTS IN PUBLIC EDUCATIONAL INSTITUTIONS MAY WEAR CLOTHING,  
21 ACCESSORIES AND JEWELRY THAT DISPLAY RELIGIOUS MESSAGES OR RELIGIOUS SYMBOLS  
22 IN THE SAME MANNER AND TO THE SAME EXTENT THAT OTHER TYPES OF CLOTHING,  
23 ACCESSORIES AND JEWELRY THAT DISPLAY MESSAGES OR SYMBOLS ARE PERMITTED.

24 E. THIS SECTION SHALL NOT BE CONSTRUED TO AUTHORIZE THIS STATE OR ANY  
25 OF ITS POLITICAL SUBDIVISIONS TO DO EITHER OF THE FOLLOWING:

26 1. REQUIRE ANY PERSON TO PARTICIPATE IN PRAYER OR IN ANY OTHER  
27 RELIGIOUS ACTIVITY.

28 2. VIOLATE THE CONSTITUTIONAL RIGHTS OF ANY PERSON.

29 F. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF ANY  
30 PUBLIC EDUCATIONAL INSTITUTION TO DO ANY OF THE FOLLOWING:

31 1. MAINTAIN ORDER AND DISCIPLINE ON THE CAMPUS OF THE PUBLIC  
32 EDUCATIONAL INSTITUTION IN A CONTENT AND VIEWPOINT NEUTRAL MANNER.

33 2. PROTECT THE SAFETY OF STUDENTS, EMPLOYEES AND VISITORS OF THE  
34 PUBLIC EDUCATIONAL INSTITUTION.

35 3. ADOPT AND ENFORCE POLICIES AND PROCEDURES REGARDING STUDENT SPEECH  
36 AT SCHOOL PROVIDED THAT THE POLICIES AND PROCEDURES DO NOT VIOLATE THE RIGHTS  
37 OF STUDENTS AS GUARANTEED BY THE UNITED STATES AND ARIZONA CONSTITUTIONS AND  
38 LAWS.

39 4. ADOPT AND ENFORCE POLICIES AND PROCEDURES THAT PROHIBIT STUDENTS  
40 FROM WEARING ANY TYPE OF CLOTHING, ACCESSORIES AND JEWELRY THAT IS WORN WITH  
41 THE INTENT TO CONVEY AFFILIATION WITH A CRIMINAL STREET GANG AS DEFINED IN  
42 SECTION 13-105.

43 G. A STUDENT OR A STUDENT'S PARENT SHALL NOT INITIATE LEGAL ACTION TO  
44 ENFORCE THIS SECTION UNLESS THE STUDENT OR THE STUDENT'S PARENT HAS DONE THE  
45 FOLLOWING:

1           1. THE STUDENT OR THE STUDENT'S PARENT SHALL SUBMIT A COMPLAINT IN  
2 WRITING WITH THE SPECIFIC FACTS OF THE ALLEGED VIOLATION TO THE PRINCIPAL OF  
3 THE SCHOOL. THE PRINCIPAL SHALL INVESTIGATE THE COMPLAINT AND RESPOND IN  
4 WRITING, INCLUDING A DESCRIPTION OF ANY ACTION TAKEN TO RESOLVE THE  
5 COMPLAINT, WITHIN FIFTEEN DAYS OF RECEIVING THE WRITTEN COMPLAINT.

6           2. IF THE ACTION TAKEN BY THE PRINCIPAL OF THE SCHOOL DOES NOT RESOLVE  
7 THE COMPLAINT OF THE STUDENT OR THE STUDENT'S PARENT, THE STUDENT OR THE  
8 STUDENT'S PARENT SHALL SUBMIT A COMPLAINT IN WRITING WITH THE SPECIFIC FACTS  
9 OF THE ALLEGED VIOLATION TO THE SUPERINTENDENT OR DESIGNATED ADMINISTRATOR.  
10 THE SUPERINTENDENT OR DESIGNATED ADMINISTRATOR SHALL INVESTIGATE THE  
11 COMPLAINT AND RESPOND IN WRITING, INCLUDING A DESCRIPTION OF ANY ACTION TAKEN  
12 TO RESOLVE THE COMPLAINT, WITHIN TWENTY-FIVE DAYS OF RECEIVING THE WRITTEN  
13 COMPLAINT.

14           3. IF THE ACTION TAKEN BY THE SUPERINTENDENT OR DESIGNATED  
15 ADMINISTRATOR DOES NOT RESOLVE THE COMPLAINT OF THE STUDENT OR THE STUDENT'S  
16 PARENT, THE STUDENT OR THE STUDENT'S PARENT MAY PURSUE LEGAL ACTION TO  
17 ENFORCE THIS SECTION.

18           H. FOR THE PURPOSES OF THIS SECTION, "PUBLIC EDUCATIONAL INSTITUTION"  
19 MEANS ANY OF THE FOLLOWING:

- 20           1. A SCHOOL DISTRICT, INCLUDING ITS SCHOOLS.
- 21           2. A CHARTER SCHOOL.
- 22           3. AN ACCOMMODATION SCHOOL.
- 23           4. THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND.

24           Sec. 2. Short title

25           This act may be cited as "The Students' Religious Liberties Act".

26           Sec. 3. Severability

27           If a provision of this act or its application to any person or  
28 circumstance is held invalid, the invalidity does not affect other provisions  
29 or applications of the act that can be given effect without the invalid  
30 provision or application, and to this end the provisions of this act are  
31 severable.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.

Passed the House May 6, 20 09

by the following vote: 37 Ayes,

23 Nays, 0 Not Voting

[Signature]  
Speaker of the House  
Pro Tempore

[Signature]  
Chief Clerk of the House

Passed the Senate June 22, 20 09

by the following vote: 18 Ayes,

10 Nays, 2 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

1<sup>st</sup> day of July, 20 09

at 8:25 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 10<sup>th</sup> day of

July 2009

at 1:10 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 10 day of July, 20 09

at 4:20 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2357