

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3122

By: Williams

AS INTRODUCED

An Act relating to religious expression in schools; creating the Oklahoma Freedom of Religious Expression Act; defining terms; permitting teachers to teach and discuss certain Judeo-Christian values; allowing teaching and singing of certain songs; granting right to teach shortcomings of certain historical figures; authorizing teaching and discussion of intelligent design theory; prohibiting exclusion of teaching the impact of certain values; permitting public schools to display a memorial cross; requiring schools to treat student expression of a religious viewpoint the same as a secular viewpoint; mandating school to adopt a policy that addresses certain student expressions; providing protections for students who express religious viewpoints; directing State Board of Education to promulgate rules; authorizing school to employ or accept a chaplain as a volunteer; excepting chaplain from certification requirements; requiring chaplain to provide certain criminal history record checks; excluding certain persons from serving as a school chaplain; allowing chaplain to provide specified services; permitting certain employee to pray at any specified time; prohibiting punishment or discrimination against person who refuses to participate in prayer; authorizing certain civil causes of action for students and employees; construing provision to not limit the free exercise of religion; allowing taxpayers to intervene in certain state court actions; providing for act severability; providing for codification; providing an effective date; and declaring an emergency.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 25-201 of Title 70, unless there  
4 is created a duplication in numbering, reads as follows:

5 A. This act shall be known and may be cited as the "Oklahoma  
6 Freedom of Religious Expression Act".

7 B. As used in the Oklahoma Freedom of Religious Expression Act:

8 1. "Intelligent design" means a scientific theory that certain  
9 features of the universe and living things provide evidence of  
10 intelligent organization and purpose, which then provide the  
11 foundations for natural functions, systems, laws, processes, and  
12 theories such as natural selection, evolution through adaptation and  
13 mutation, and the big bang theory; and

14 2. "Teach" means the secular teaching of a subject providing  
15 for the fullest possible education of students. It includes, but is  
16 not limited to, the discussion, education, and understanding of the  
17 history, impact, modern effects, cultural effects, artistic forms,  
18 holidays, and scientific impacts that religions have had or do have,  
19 including explicitly or exclusively Christian or Judeo-Christian  
20 values, without qualifying as the teaching of sectarian or religious  
21 doctrine prohibited in Section 11-101 of Title 70 of the Oklahoma  
22 Statutes or otherwise as may affect the validity of this section.

23 C. Teachers, as defined in Section 1-116 of Title 70 of the  
24 Oklahoma Statutes, shall:  
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1           1. Be permitted to teach and discuss in class the Judeo-  
2 Christian values in correspondence with other relevant historical  
3 and cultural contexts for course instruction;

4           2. Be permitted to teach about and lead students in singing  
5 traditional songs and music such as Christmas carols;

6           3. Be permitted to teach about the shortcomings of historically  
7 significant figures who professed allegiance to such Judeo-Christian  
8 values throughout history in an age-appropriate manner;

9           4. Be permitted to teach and discuss the theory of intelligent  
10 design in correspondence with other relevant scientific study and  
11 information concerning the origin of species and the natural laws of  
12 the universe as provided by the Oklahoma Academic Standards; and

13           5. Be prohibited from explicitly excluding the fundamental  
14 impact Judeo-Christian values have had in the school's local area,  
15 the state, the United States of America, Western civilization, and  
16 the world.

17           D. Public schools, as defined in Section 1-106 of Title 70 of  
18 the Oklahoma Statutes, shall:

19           1. Be permitted to display a memorial cross that is symbolic of  
20 the Christian faith on public land;

21           2. Treat a public school student's voluntary expression, if  
22 any, of a religious viewpoint on an otherwise permissible subject in  
23 the same manner the school district treats a student's voluntary  
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1 expression of a secular or other viewpoint on an otherwise  
2 permissible subject; and

3 3. Adopt a policy that ensures:

- 4 a. the school district does not discriminate against a  
5 public school student's voluntary expression, if any,  
6 of a religious viewpoint,
- 7 b. any affirmative school sponsorship or attribution to  
8 the school district of a student's public expression  
9 of a religious viewpoint, if any, is eliminated,
- 10 c. a limited public forum shall be established for public  
11 school student speakers at all school events at which  
12 a student may speak publicly. A student's expression  
13 of a religious viewpoint, if any, on an otherwise  
14 permissible subject shall not be excluded from the  
15 limited public forum established in this subparagraph,
- 16 d. provision of a limited public forum that does not  
17 discriminate against a student's voluntary expression  
18 of a religious viewpoint, if any, on an otherwise  
19 permissible subject,
- 20 e. provision of a method, based on neutral criteria, for  
21 the selection of speakers at school events, including  
22 graduation ceremonies,

- 1 f. procedures to ensure that a student speaker does not  
2 engage in speech that is obscene, vulgar, offensively  
3 lewd, or indecent, and  
4 g. a disclaimer is given to convey that a student  
5 speaker's speech shall not reflect the endorsement,  
6 sponsorship, position, or expression of the school  
7 district. The disclaimer may be stated in writing or  
8 orally and shall be provided at all public school  
9 graduation ceremonies and at any other school event at  
10 which a student speaker speaks publicly.

11 E. 1. A public school student may express his or her religious  
12 viewpoint, if any, in the following contexts without discrimination  
13 based on the religious content: homework, classwork, artwork, and  
14 other written or oral assignments.

15 2. A student's homework, classwork, artwork, or other written  
16 or oral assignments shall be graded and judged:

- 17 a. by ordinary academic standards of substance and  
18 relevance, and  
19 b. against other conventional, pedagogical topics as  
20 identified by a school district.

21 3. A student shall not be penalized or rewarded based on the  
22 religious character, if any, of his or her homework, classwork,  
23 artwork, or other written or oral assignments.  
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1 F. The State Board of Education shall promulgate rules to  
2 implement the provisions of the Oklahoma Freedom of Religious  
3 Expression Act. The Board shall ensure students and teachers are  
4 not penalized for discussing any of the topics mentioned in  
5 subsection C of this section so long as it concerns the topic of  
6 study within the classroom.

7 SECTION 2. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 25-202 of Title 70, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. A school district or charter school may employ or accept as  
11 a volunteer a chaplain to provide support, services, and programs  
12 for students as assigned by the board of education or governing  
13 board of the district, charter school, or charter school district.  
14 A chaplain employed or volunteering pursuant to this section is not  
15 required to be certified by the State Board for Education.

16 B. A school district or charter school that employs or accepts  
17 as a volunteer a chaplain as provided in this section shall ensure  
18 that the chaplain has completed a current Oklahoma criminal history  
19 record from the Oklahoma State Bureau of Investigation and a  
20 national criminal history record check as defined in Section 150.9  
21 of Title 74 of the Oklahoma Statutes before the chaplain begins  
22 employment or volunteering at the district or school.

23 C. A school district or charter school shall not employ or  
24 accept as a volunteer a chaplain who has been convicted of or  
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1 received a deferred sentence for an offense listed in Section 6-  
2 101.41 of Title 70 of the Oklahoma Statutes.

3 D. A chaplain subject to the provisions of this section shall  
4 be an eligible service provider for mental health counseling and  
5 social services for students as provided in Section 24-100.1 of  
6 Title 70 of the Oklahoma Statutes.

7 E. A chaplain subject to the provisions of this section shall  
8 be considered as a referral for appropriate services pursuant to  
9 subparagraph c of paragraph 12 of subsection A of Section 24-100.4  
10 of Title 70 of the Oklahoma Statutes.

11 SECTION 3. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 25-203 of Title 70, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. An employee of a public college, school district, or charter  
15 school may pray at any time they are otherwise free to engage in  
16 personal conversations or other personal conduct.

17 B. No public college, school district, or charter school may  
18 punish or otherwise take adverse action or discriminate against any  
19 other person for refusing to participate in a prayer described in  
20 subsection A of this section. A student or the parent of a student  
21 who can demonstrate under the preponderance of the evidence standard  
22 that the student was punished or discriminated against by an  
23 employee for refusing to participate in a prayer as described in  
24 subsection A of this section may pursue a civil action in a court of  
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1 competent jurisdiction and the student may seek attorney fees,  
2 costs, injunctive relief, declaratory relief, and other forms of  
3 relief deemed appropriate by the court.

4 C. If a public school district or public college administrator  
5 prohibits or takes adverse action against an employee for engaging  
6 in the activity described in subsection A of this section, the  
7 employee may pursue a civil action in a court of competent  
8 jurisdiction and may seek attorney fees, costs, injunctive relief,  
9 declaratory relief, and other forms of relief deemed appropriate by  
10 the court.

11 D. If a court finds that a cause of action filed by an employee  
12 pursuant to subsection C of this section or by a student or his or  
13 her parent pursuant to subsection B of this section was maliciously  
14 filed or initiated for ulterior purposes against a defendant, then  
15 the court may award costs and attorney fees to a defendant under  
16 this section for abuse of process.

17 E. Nothing in this section shall be construed to limit the free  
18 exercise of religion in any way.

19 SECTION 4. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 25-204 of Title 70, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. If any part of the Oklahoma Freedom of Religious Expression  
23 Act is challenged in a state court as violating either the Oklahoma  
24 Constitution or United States Constitution, taxpayers shall be  
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1 permitted to intervene for the purposes of defending the  
2 constitutionality of the Oklahoma Freedom of Religious Expression  
3 Act. However, for the purposes of judicial administration, a court  
4 may require that all taxpayers file a joint brief so long as they  
5 are not required to join any brief filed on behalf of any named  
6 state defendant.

7 B. The provisions of the Oklahoma Freedom of Religious  
8 Expression Act shall be severable, and if any provision of the  
9 Oklahoma Freedom of Religious Expression Act or the application  
10 thereof to any person or circumstances is held invalid, such  
11 invalidity shall not invalidate the other provisions or applications  
12 of this act.

13 SECTION 5. This act shall become effective July 1, 2024.

14 SECTION 6. It being immediately necessary for the preservation  
15 of the public peace, health or safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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