1 V7UOPP-1
2 By Representative Estes
3 RFD: Education Policy
4 First Read: 07-Mar-23
5 PFD: 23-Feb-23
SYNOPSIS:

Under existing law, a local board of education is required to allow certain student-initiated voluntary prayer at school-related events. This bill would require a local board of education to provide certain school resources to students to facilitate student-led prayer.

A BILL
TO BE ENTITLED
AN ACT

Relating to religious expression; to amend Section 16-1-20.3, Code of Alabama 1975; to require a local board of education to provide certain school resources to students to facilitate student-led prayer.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
Section 1. Section 16-1-20.3, Code of Alabama 1975, is amended to read as follows:

"§16-1-20.3
(a) The legislative intent and purpose for this section is to protect the freedom of speech guaranteed by the First Amendment to the United States Constitution and Article 1, Section 4 of the Constitution of Alabama of 1901, to
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define for the citizens residents of Alabama the rights and
privileges that are accorded them on public school and other
public property and at school-related events, and to provide
guidance to public school officials on the rights and
requirements of law they must apply. Further, the intent and
purpose of the Legislature is to properly accommodate the free
exercise of religious rights of its student citizens residents
in the public schools and at public school events as mandated
by the First Amendment to the United States Constitution and
the judicial interpretations thereof as given by the United
States Supreme Court.

(b) (1) On public school, other public, or other
property, non-sectarian, non-proselytizing student-initiated
and student-led voluntary prayer, invocations and/or, or
benedictions, or any of these, shall be permitted during
compulsory or non-compulsory school-related student
assemblies, school-related student sporting events,
school-related graduation or commencement ceremonies, and
other school-related student events. A local board of
education shall allow any student or students who are leading
a prayer pursuant to this section to use school property, such
as a microphone or public address system, to facilitate the
prayer and communicate the prayer to those in attendance.

(2) No local board of education or athletic or other
association operating within or outside the boundaries of
Alabama may prohibit, impede, or deter a student-initiated and
student-led voluntary prayer made pursuant to subdivision (1).

(c) Nothing in this section shall otherwise diminish
the right of any student or person individual to exercise his or her rights of free speech and religion, including prayer, as permitted by the United States Constitution and the Alabama Constitution on public school or other public property, or other property, at times or events other than those stated in subsection (b).

(d) The exercise of these rights on public school or other public property, or on other property for school-related activities, by students or others, shall not be construed to indicate any support, approval, or sanction by the State of Alabama, any political subdivision thereof, municipal corporation, governmental entity of any description, or any agent or employee of any governmental entity of the contents of any such prayer, invocation, benediction, or other activity, or be an unconstitutional use of any public school property or other public property, or be the promotion or establishment of any religion or religious belief."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.