

SENATE BILL REPORT

ESHB 1230

As Reported By Senate Committee On:
Education, February 20, 1998

Title: An act relating to students' rights.

Brief Description: Protecting students' religious rights.

Sponsors: House Committee on Education (originally sponsored by Representatives Backlund, Johnson, Lambert, Carrell, Sherstad, D. Schmidt, Thompson, Boldt and Pennington).

Brief History:

Committee Activity: Education: 3/28/97, 4/3/97 [DP]; 2/19/98, 2/20/98 [DP].

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass.

Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

Staff: William Bridges (786-7724)

Background: The U.S. and state constitutions guarantee freedom of expression, freedom to exercise one's religion, and freedom against state-established religion. When public K-12 students express their religious beliefs in their school work, they usually assert their "free exercise" rights. On the other hand, school officials often react by pointing to the "establishment" rights of other students. School officials in Washington State must also be concerned with violating the state constitutional prohibition against spending public money for religious purposes, and the state constitutional requirement that all public schools be free from sectarian control or influence.

In general, public K-12 students may express their religious beliefs in their school work. Teachers may not reject or correct a student's work because it contains religious views, although a teacher may still grade the school work using ordinary academic standards. Conversely, public K-12 students also have the right to be free from unwelcome religious persuasion in the classroom, either from other students or teachers. Furthermore, teachers may not elicit the religious beliefs of public K-12 students without parental consent.

Summary of Bill: The Legislature recognizes that federal and state constitutional rights of free speech and religion extend to students enrolled in common schools.

Students may express and incorporate their religious beliefs and opinions where relevant and appropriate in class work, homework, evaluations, or tests. School personnel may not grade or censure a student's work on religious content but may grade the student's work on scholastic content such as spelling, and the degree to which the student complied with the

assignment. School personnel may not penalize a student for expressing religious beliefs in their work when relevant and appropriate.

The provision is not intended to limit the exchange of ideas in common schools. However, no officer, employee, agent, or contractor of a school district may solicit, suggest, or prompt students, either directly or indirectly, to express their religious beliefs.

The Superintendent of Public Instruction must distribute to the school districts information about laws governing students' rights of religious expression in schools.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill restates the current law. Some teachers do not understand the current law. If teachers understand the current law, they will be less hesitant to allow discussions about religion. If religion is the foundation of a student's life, how can that student participate in school discussions without talking about his or her religion? The bill will remind the school community that religious freedom is the foundation of this country.

Testimony Against: The bill will have a chilling effect on classroom discussions. The bill is not needed because various policies already exist that can be distributed to school districts. It will cause more confusion and litigation regarding the "censuring" and "soliciting" of students.

Testified: Representative Backlund, prime sponsor (pro); Peter Curtis, citizen (pro); Barbara Mertens, WA Assoc. of School Administrators (con).