

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 3616 - SB 3632

February 29, 2012

SUMMARY OF BILL: Requires local education agencies (LEAs) to treat a student's voluntary expression of a religious viewpoint in the same manner that the LEA treats a student's voluntary expression of a secular viewpoint on an otherwise permissible subject. Prohibits LEAs from discriminating against a student on the basis of the expression of a religious viewpoint.

Requires LEAs to adopt a policy that includes the establishment of a limited public forum for student speakers at all school events where a student will speak publicly. This disclaimer shall be provided at all events where the LEA feels there is a need to dispel confusion over the LEA's sponsorship of a student's speech. Prohibits student expression on an otherwise permissible subject from being excluded from the limited public forum because the expression is based on a religious viewpoint.

Authorizes students to express their beliefs about religion in assignments and requires such expression to be free from discrimination based on the religious content of their submission. Requires homework and classroom assignments to be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the LEA. Prohibits students from being rewarded or penalized on the basis of the religious content of their work.

Authorizes students to organize prayer groups, religious clubs, or other such gatherings before, during, and after school to the same extent that students are permitted to organize other non-curricular student activities and groups. Requires religious student groups to be given equal access to the school facilities for assembling as those given to other non-curricular groups. Requires religious student groups that meet for prayer or other religious speech to be allowed to advertise or announce their meetings in the same manner that the LEA authorizes other non-religious student groups. Authorizes LEAs to disclaim school sponsorship of non-curricular groups and events in a manner that does not favor or disfavor groups that meet to engage in prayer or other religious speech.

Model Policy Articles I and II: Sets forth a model policy that LEAs may use and adopt in order to implement a policy establishing a limited public forum and voluntary student expression of religious viewpoints. Requires any LEA that voluntarily adopts the model policy to be in compliance with it. The model policy establishes the limited public forum for the voluntary student expression of religious viewpoints applicable to certain students.

The model policy also requires the LEA to create a limited public forum for certain other speakers and to treat a student's voluntary expression of a religious viewpoint on an otherwise permissible subject in the same manner that it treats a student's voluntary expression of a secular or other viewpoint.

Model Policy Article III: The model policy sets forth requirements for student speakers at graduation events.

Model Policy Article IV: The model policy that is adopted by the LEA shall authorize a student to express their belief in homework, artwork, and other assignments and requires such expression to be free from discrimination based on the religious content of their submission.

Model Policy V: The model policy that is adopted by the LEA shall authorize students to organize prayer groups, religious clubs, or other religious gatherings before, during, or after school to the same extent that students are permitted to organize other non-curricular student activities and groups.

The model policy authorizes school authorities to disclaim sponsorship of non-curricular groups and events; as long as they administer the disclaimer in a manner that does not favor or disfavor groups that meet to engage in prayer or other religious activity.

The bill will be applicable beginning in the 2012-2013 school year.

ESTIMATED FISCAL IMPACT:

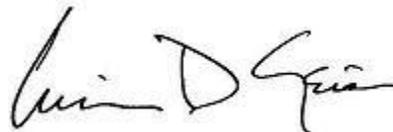
Increase Local Expenditures – Not Significant

Assumptions:

- LEAs continually revise and make new policy. This policy will be established in the normal course of LEA revision and meetings without a significant increase in local expenditures.
- No fiscal impact on state expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/msg