

# HOUSE BILL 1408

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By: **Delegates Boteler, Aumann, Bates, Cluster, Dwyer, Frank, Glass, Impallaria, Jacobs, McConkey, McDonough, Myers, Otto, Ready, Smigiel, and Weir**

Introduced and read first time: February 27, 2012

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Religious Bills of Rights – Individuals Connected to Public**  
3 **Schools**

4 FOR the purpose of stating certain findings and declarations of the General Assembly;  
5 requiring the State Board of Education to establish certain religious bills of  
6 rights for certain individuals connected to public schools on or before a certain  
7 date; requiring certain religious bills of rights to include certain rights;  
8 requiring the State Board to prepare and update certain guidelines and  
9 distribute certain guidelines to each county board of education annually on or  
10 before a certain date; requiring the State Board to create a certain grievance  
11 form on or before a certain date and authorizing the grievance form to be used  
12 by certain individuals and sent to a certain principal by a certain individual;  
13 requiring the State Board to publish certain items on its Web site; requiring  
14 each county board to adopt certain policies and procedures and to provide for  
15 the contents of the policies and procedures; requiring that a certain policy shall  
16 require a religious bill of rights to be provided to certain employees at certain  
17 times; requiring that a certain policy shall require a copy of certain guidelines to  
18 be provided to certain individuals; requiring certain employees to sign a certain  
19 form and providing for the filing of the form; requiring a county board to provide  
20 certain information to certain teachers in a certain manner; requiring each  
21 county board to publish certain information on a certain Web site; requiring  
22 each county board to adopt certain policies and procedures relating to opting out  
23 of certain classes or the use of certain course material for certain purposes;  
24 requiring a county board to provide a certain notice to certain parents or  
25 guardians and certain students regarding certain class or course material  
26 opt-out policies; requiring each county board to certify to the Office of the  
27 Attorney General compliance with certain provisions of law on or before a  
28 certain date; providing for the construction of this Act; defining certain terms;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 and generally relating to religious bills of rights for individuals connected to  
2 public schools.

3 BY adding to

4 Article – Education

5 Section 7–1501 through 7–1505 to be under the new subtitle “Subtitle 15.  
6 Religious Bills of Rights for Individuals Connected to Public Schools”

7 Annotated Code of Maryland

8 (2008 Replacement Volume and 2011 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article – Education**

12 **SUBTITLE 15. RELIGIOUS BILLS OF RIGHTS FOR INDIVIDUALS CONNECTED TO**  
13 **PUBLIC SCHOOLS.**

14 **7–1501.**

15 **(A) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:**

16 **(1) THE UNITED STATES CONSTITUTION AND THE MARYLAND**  
17 **CONSTITUTION GUARANTEE INDIVIDUALS CERTAIN BASIC RELIGIOUS RIGHTS;**

18 **(2) MANY INDIVIDUALS ARE UNAWARE OF THEIR EXISTING**  
19 **CONSTITUTIONAL RELIGIOUS RIGHTS AND BECAUSE THESE RIGHTS ARE**  
20 **COMING UNDER INCREASING ATTACK IN THE PUBLIC SCHOOL SYSTEM, A**  
21 **METHOD TO RECOGNIZE, PROMOTE, AND ENFORCE THESE RIGHTS IS OF GREAT**  
22 **IMPORTANCE TO STUDENTS, PARENTS, TEACHERS, AND EMPLOYEES;**

23 **(3) PUBLIC SCHOOLS ARE FACING AN INCREASING NUMBER OF**  
24 **LAWSUITS FROM PARENTS AND CHILDREN CHALLENGING RESTRICTIONS OR**  
25 **PERCEIVED RESTRICTIONS ON THEIR RELIGIOUS RIGHTS, AND DEFENDING**  
26 **AGAINST THESE LAWSUITS HAS COST AND WILL CONTINUE TO COST STATE**  
27 **TAXPAYERS THOUSANDS OF DOLLARS ANNUALLY;**

28 **(4) IT IS BENEFICIAL TO RAISING MORALS AND OBEDIENCE**  
29 **WITHIN THE PUBLIC SCHOOLS TO FOSTER AN ATMOSPHERE THAT RECOGNIZES**  
30 **AND ENCOURAGES THE CONCEPT AND UNDERSTANDING OF RELIGIOUS LIBERTY**  
31 **THAT WAS SO IMPORTANT TO THE FOUNDERS OF OUR NATION;**

32 **(5) THERE IS A GROWING PERCEPTION AMONG CITIZENS THAT**  
33 **PUBLIC SCHOOLS ARE HOSTILE TO INDIVIDUAL EXPRESSION AND THE EXERCISE**  
34 **OF RELIGIOUS BELIEFS, AND PARENTS OR GUARDIANS WHOSE CHILDREN FEEL**

1 THEIR RELIGIOUS RIGHTS ARE BEING SUPPRESSED OR THREATENED ARE  
2 REMOVING THEIR CHILDREN FROM PUBLIC SCHOOLS, WHICH SUBSTANTIALLY  
3 REDUCES THE NUMBER OF STUDENTS ENROLLED AND THE AMOUNT OF  
4 REVENUE PUBLIC SCHOOLS RECEIVE; AND

5 (6) JUST AS HOSPITALS ARE REQUIRED TO POST A PATIENTS'  
6 BILL OF RIGHTS AND RESPONSIBILITIES AND BUSINESSES ARE REQUIRED TO  
7 POST WAGE AND WORKERS' COMPENSATION RIGHTS AND RESPONSIBILITIES,  
8 PUBLIC SCHOOLS SHOULD INFORM INDIVIDUALS CONNECTED TO PUBLIC  
9 SCHOOLS OF THEIR CONSTITUTIONAL RELIGIOUS RIGHTS.

10 (B) THE GENERAL ASSEMBLY FINDS THAT IT IS IN THE BEST INTEREST  
11 OF THE CITIZENS OF THE STATE OF MARYLAND TO CREATE RELIGIOUS BILLS  
12 OF RIGHTS FOR INDIVIDUALS CONNECTED TO PUBLIC SCHOOLS AND TO  
13 REQUIRE PUBLIC SCHOOLS TO POST THE RELIGIOUS BILLS OF RIGHTS IN A  
14 PROMINENT PLACE IN THE SAME SIZE AND STYLE AS THOSE REQUIRED FOR  
15 LABOR LAWS AND TO INFORM ALL INDIVIDUALS CONNECTED TO PUBLIC  
16 SCHOOLS OF THE RELIGIOUS BILLS OF RIGHTS.

17 7-1502.

18 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (B) "EMPLOYEE" MEANS A FULL-TIME, PART-TIME, OR CONTRACTUAL  
21 EMPLOYEE OF A COUNTY BOARD OR OF A PUBLIC CHARTER SCHOOL.

22 (C) "INDIVIDUAL CONNECTED TO A PUBLIC SCHOOL" MEANS A STUDENT  
23 WHO IS ENROLLED IN, A TEACHER OR EMPLOYEE EMPLOYED BY, OR A PARENT  
24 OR GUARDIAN OF A STUDENT ENROLLED IN A PUBLIC SCHOOL.

25 (D) "INSTRUCTIONAL TIME" MEANS ANY TIME DURING THE  
26 DESIGNATED SCHOOL DAY, BUT EXCLUDING LUNCH TIME.

27 (E) "RELIGIOUS BELIEF" MEANS A SINCERELY HELD BELIEF AND TENET  
28 OF AN INDIVIDUAL'S FAITH.

29 (F) "RELIGIOUS BILL OF RIGHTS" MEANS A LIST OF RELIGIOUS RIGHTS  
30 AND PROTECTIONS.

31 7-1503.

1           **(A) (1) ON OR BEFORE SEPTEMBER 1, 2012, THE STATE BOARD**  
2 **SHALL ESTABLISH A WRITTEN RELIGIOUS BILL OF RIGHTS FOR PUBLIC SCHOOL**  
3 **STUDENTS AND THE PARENTS OR GUARDIANS OF PUBLIC SCHOOL STUDENTS**  
4 **THAT OUTLINES EXISTING AND INALIENABLE INDIVIDUAL RELIGIOUS RIGHTS.**

5           **(2) THE RELIGIOUS BILL OF RIGHTS UNDER THIS SUBSECTION**  
6 **SHALL INCLUDE A DECLARATION THAT A PUBLIC SCHOOL STUDENT HAS AN**  
7 **INALIENABLE RIGHT TO:**

8                   **(I) EXPRESS PERSONAL RELIGIOUS BELIEFS ON A PUBLIC**  
9 **SCHOOL CAMPUS OR AT A SCHOOL-SPONSORED EVENT TO THE SAME EXTENT AS**  
10 **A STUDENT MAY EXPRESS A PERSONAL SECULAR VIEWPOINT;**

11                   **(II) PARTICIPATE IN A PRIVATE RELIGIOUS CEREMONY**  
12 **HELD ON A PUBLIC SCHOOL CAMPUS OUTSIDE OF INSTRUCTIONAL TIME TO THE**  
13 **SAME EXTENT AS A STUDENT MAY PARTICIPATE IN A PRIVATE SECULAR**  
14 **ACTIVITY OR CEREMONY OUTSIDE OF INSTRUCTIONAL TIME;**

15                   **(III) EXCHANGE A GREETING CARD OR OTHER ITEM WITH A**  
16 **RELIGIOUS THEME OR MESSAGE;**

17                   **(IV) SING A RELIGIOUS SONG ALONG WITH A SECULAR SONG**  
18 **AS PART OF A SCHOOL-SPONSORED OR CURRICULUM-RELATED PROGRAM;**

19                   **(V) USE A RELIGIOUS GREETING;**

20                   **(VI) WEAR RELIGIOUS CLOTHING, JEWELRY, OR OTHER**  
21 **ITEMS ON A PUBLIC SCHOOL CAMPUS, INCLUDING CLOTHING WITH A RELIGIOUS**  
22 **MESSAGE;**

23                   **(VII) EXPRESS A PERSONAL RELIGIOUS BELIEF OR SELECT**  
24 **RELIGIOUS MATERIALS WHEN RESPONDING TO A SCHOOL ASSIGNMENT, IF THE**  
25 **STUDENT'S RESPONSE REASONABLY MEETS THE EDUCATIONAL PURPOSE OF**  
26 **THE ASSIGNMENT; AND**

27                   **(VIII) RECITE RELIGIOUS MATERIAL WHEN AN ORAL**  
28 **RECITATION IS ASSIGNED, IF THE MATERIAL FAIRLY MEETS THE EDUCATIONAL**  
29 **PURPOSE OF THE ASSIGNMENT.**

30           **(B) (1) ON OR BEFORE SEPTEMBER 1, 2012, THE STATE BOARD**  
31 **SHALL ESTABLISH A WRITTEN RELIGIOUS BILL OF RIGHTS FOR TEACHERS AND**  
32 **EMPLOYEES OF PUBLIC SCHOOLS THAT OUTLINES EXISTING AND INALIENABLE**  
33 **INDIVIDUAL RELIGIOUS RIGHTS.**

1           **(2) THE RELIGIOUS BILL OF RIGHTS UNDER THIS SECTION SHALL**  
2 **INCLUDE A DECLARATION THAT A TEACHER OR AN EMPLOYEE OF A PUBLIC**  
3 **SCHOOL HAS AN INALIENABLE RIGHT TO:**

4                   **(I) TEACH A RELIGIOUS TOPIC IN PUBLIC SCHOOL FOR**  
5 **HISTORICAL, LITERARY, OR OTHER EDUCATIONAL PURPOSES, INCLUDING THE**  
6 **RELIGIOUS ORIGINS OF VARIOUS HOLIDAYS;**

7                   **(II) DISPLAY RELIGIOUS MATERIALS AND ITEMS THAT**  
8 **DIRECTLY RELATE TO A TOPIC OF INSTRUCTION BEING DISCUSSED IN THE**  
9 **CLASSROOM;**

10                  **(III) ALLOW STUDENTS TO EXCHANGE GREETING CARDS OR**  
11 **OTHER ITEMS WITH RELIGIOUS THEMES;**

12                  **(IV) PARTICIPATE IN A NONSCHOOL-SPONSORED ACTIVITY**  
13 **THAT IS CONSIDERED RELIGIOUS;**

14                  **(V) ANSWER A STUDENT'S QUESTION ON A RELIGIOUS**  
15 **TOPIC;**

16                  **(VI) LEGALLY ABSTAIN FROM TEACHING A TOPIC THAT**  
17 **VIOLATES THE TEACHER'S OR EMPLOYEE'S RELIGIOUS BELIEFS AND NOT BE**  
18 **DISCIPLINED FOR ABSTAINING FROM TEACHING THE TOPIC;**

19                  **(VII) WEAR RELIGIOUS JEWELRY; AND**

20                  **(VIII) USE A RELIGIOUS GREETING AS A RECOGNITION OF A**  
21 **RELIGIOUS HOLIDAY.**

22           **(C) ON OR BEFORE SEPTEMBER 1, 2012, AND EACH YEAR THEREAFTER,**  
23 **THE STATE BOARD SHALL PREPARE AND UPDATE GUIDELINES CONCERNING**  
24 **THE GOALS AND USE OF THE RELIGIOUS BILLS OF RIGHTS AND DISTRIBUTE**  
25 **THEM TO COUNTY BOARDS.**

26           **(D) (1) ON OR BEFORE SEPTEMBER 30, 2012, THE STATE BOARD**  
27 **SHALL CREATE A STANDARD GRIEVANCE FORM TO USE TO REPORT GRIEVANCES**  
28 **IN CONJUNCTION WITH THIS SUBTITLE.**

29           **(2) THE GRIEVANCE FORM:**

1                   **(I) MAY BE USED BY AN INDIVIDUAL CONNECTED TO A**  
2 **PUBLIC SCHOOL; AND**

3                   **(II) SHALL BE FORWARDED TO THE APPROPRIATE SCHOOL**  
4 **PRINCIPAL BY THE INDIVIDUAL COMPLETING THE FORM.**

5                   **(3) THE STATE BOARD SHALL MAKE THE GRIEVANCE FORM**  
6 **ACCESSIBLE THROUGH ITS OFFICIAL WEB SITE.**

7                   **(E) ON OR BEFORE DECEMBER 1, 2012, THE STATE BOARD SHALL**  
8 **PUBLISH THE RELIGIOUS BILLS OF RIGHTS ESTABLISHED UNDER THIS SECTION**  
9 **ON ITS OFFICIAL WEB SITE.**

10 **7-1504.**

11                   **(A) (1) ON OR BEFORE SEPTEMBER 30, 2012, EACH COUNTY BOARD**  
12 **SHALL ADOPT WRITTEN POLICIES AND PROCEDURES TO IMPLEMENT THE**  
13 **PROVISIONS OF THE RELIGIOUS BILLS OF RIGHTS ESTABLISHED BY THE STATE**  
14 **BOARD UNDER § 7-1503 OF THIS SUBTITLE.**

15                   **(2) A POLICY ADOPTED UNDER THIS SUBSECTION SHALL:**

16                               **(I) INCLUDE A PROCEDURE TO INFORM:**

17                                       **1. EACH PUBLIC HIGH SCHOOL STUDENT IN**  
18 **WRITING AT THE BEGINNING OF EACH SCHOOL YEAR OR AT THE TIME OF A**  
19 **STUDENT'S ENROLLMENT OF THE STUDENT'S RELIGIOUS BILL OF RIGHTS; AND**

20                                       **2. EACH PARENT OR GUARDIAN OF A NEWLY**  
21 **REGISTERED OR CONTINUING PUBLIC ELEMENTARY, MIDDLE, AND HIGH**  
22 **SCHOOL STUDENT IN WRITING AT THE BEGINNING OF EACH SCHOOL YEAR OF**  
23 **THE STUDENT'S RELIGIOUS BILL OF RIGHTS; AND**

24                                       **(II) 1. REQUIRE EACH PUBLIC HIGH SCHOOL TO KEEP**  
25 **ON FILE A COPY OF A PUBLIC HIGH SCHOOL STUDENT'S ACKNOWLEDGMENT OF**  
26 **RECEIPT OF THE RELIGIOUS BILL OF RIGHTS UNDER ITEM (I) OF THIS**  
27 **PARAGRAPH; AND**

28                                       **2. REQUIRE EACH PUBLIC ELEMENTARY, MIDDLE,**  
29 **AND HIGH SCHOOL TO KEEP ON FILE A SIGNED DOCUMENT FROM THE PARENT**  
30 **OR GUARDIAN OF A PUBLIC SCHOOL STUDENT THAT STATES THE PARENT OR**  
31 **GUARDIAN IS AWARE OF THE STUDENT'S RELIGIOUS BILL OF RIGHTS.**

1           **(B) A POLICY ADOPTED UNDER THIS SECTION SHALL REQUIRE THAT A**  
2 **WRITTEN COPY OF THE TEACHERS' AND EMPLOYEES' RELIGIOUS BILL OF**  
3 **RIGHTS BE PROVIDED TO:**

4                   **(1) EACH NEW PUBLIC SCHOOL EMPLOYEE AT THE EMPLOYEE'S**  
5 **NEW EMPLOYEE ORIENTATION; AND**

6                   **(2) EACH CURRENT EMPLOYEE BY DECEMBER 1, 2012, AND BY**  
7 **AUGUST 1 EACH YEAR THEREAFTER.**

8           **(C) (1) A POLICY ADOPTED UNDER THIS SECTION SHALL REQUIRE**  
9 **THAT A COPY OF THE UPDATED GUIDELINES CONCERNING THE GOALS AND USE**  
10 **OF THE RELIGIOUS BILL OF RIGHTS ESTABLISHED BY THE STATE BOARD UNDER**  
11 **§ 7-1503 OF THIS SUBTITLE BE PROVIDED ANNUALLY TO EACH PUBLIC SCHOOL**  
12 **EMPLOYEE, INCLUDING TEACHERS AND ADMINISTRATORS.**

13                   **(2) (I) EACH PUBLIC SCHOOL EMPLOYEE SHALL SIGN A FORM**  
14 **CONFIRMING RECEIPT OF THE INFORMATION REQUIRED UNDER PARAGRAPH (1)**  
15 **OF THIS SUBSECTION.**

16                           **(II) THE EMPLOYEE SHALL RECEIVE A COPY OF THE FORM**  
17 **SIGNED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

18                           **(III) THE PUBLIC SCHOOL SHALL KEEP A COPY OF AN**  
19 **EMPLOYEE'S SIGNED FORM IN THE EMPLOYEE'S PERSONNEL FILE.**

20           **(D) EACH COUNTY BOARD SHALL PROVIDE INFORMATION TO EACH**  
21 **PUBLIC SCHOOL TEACHER CONCERNING THE RELIGIOUS BILL OF RIGHTS**  
22 **ESTABLISHED BY THE STATE BOARD UNDER § 7-1503 OF THIS SUBTITLE**  
23 **THROUGH:**

24                   **(1) WRITTEN MATERIALS AND DISCUSSIONS AT ANNUAL TEACHER**  
25 **IN-SERVICE MEETINGS; AND**

26                   **(2) ANNUAL WRITTEN COMMUNICATION TO TEACHERS WITHIN 1**  
27 **MONTH PRIOR TO THE START OF EACH SCHOOL YEAR.**

28           **(E) EACH COUNTY BOARD SHALL PUBLISH THE RELIGIOUS BILLS OF**  
29 **RIGHTS ESTABLISHED BY THE STATE BOARD UNDER § 7-1503 OF THIS**  
30 **SUBTITLE ON ITS OFFICIAL WEB SITE.**

31           **(F) EACH COUNTY BOARD SHALL ADOPT POLICIES AND PROCEDURES**  
32 **ALLOWING:**

1           **(1) A HIGH SCHOOL STUDENT TO OPT OUT OF ANY CLASS OR THE**  
2 **USE OF SPECIFIC COURSE MATERIAL THAT IS INCONSISTENT WITH THE**  
3 **STUDENT'S RELIGIOUS BELIEFS; OR**

4           **(2) THE PARENT OR GUARDIAN OF A PUBLIC ELEMENTARY OR**  
5 **MIDDLE SCHOOL STUDENT TO EXCUSE THEIR CHILD FROM ANY CLASS OR THE**  
6 **USE OF SPECIFIC COURSE MATERIAL THAT IS INCONSISTENT WITH THE**  
7 **PARENT'S OR LEGAL GUARDIAN'S RELIGIOUS BELIEFS.**

8           **(G) IF A COUNTY BOARD IS AWARE OF A CLASS OR SPECIFIC COURSE**  
9 **MATERIAL THAT ROUTINELY ENCOUNTERS STRONG RESISTANCE BY EITHER**  
10 **PUBLIC SCHOOL STUDENTS OR PARENTS OR GUARDIANS OF PUBLIC SCHOOL**  
11 **STUDENTS BECAUSE OF CONFLICTS WITH RELIGIOUS BELIEFS, THE COUNTY**  
12 **BOARD SHALL DIRECT THE PUBLIC SCHOOL ADMINISTRATION TO NOTIFY**  
13 **PARENTS OR GUARDIANS AND STUDENTS OF THEIR ABILITY TO OPT OUT OF THE**  
14 **CLASSES OR SPECIFIC COURSE MATERIALS UNDER SUBSECTION (F) OF THIS**  
15 **SECTION BEFORE THE FIRST DAY OF THE CLASS.**

16           **(H) ON OR BEFORE DECEMBER 30, 2012, AND EACH YEAR THEREAFTER,**  
17 **EACH COUNTY BOARD SHALL CERTIFY TO THE OFFICE OF THE ATTORNEY**  
18 **GENERAL THAT IT HAS FULLY COMPLIED WITH ALL OF THE PROVISIONS OF THIS**  
19 **SECTION.**

20 **7-1505.**

21           **THIS SUBTITLE MAY NOT BE CONSTRUED TO PRECLUDE A PUBLIC SCHOOL**  
22 **FROM ESTABLISHING AND MAINTAINING THE DISCIPLINE NECESSARY TO**  
23 **EXECUTE ITS EDUCATIONAL MISSION AS DEFINED BY THE PUBLIC SCHOOL'S**  
24 **ADOPTED CURRICULUM AND STATE LAW.**

25           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
26 **July 1, 2012.**