

SENATE BILL NO. 289—SENATOR WASHINGTON

MARCH 3, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Clarifies provision regarding prohibition of nonsecular activities in public schools.
(BDR 34-1019)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to public schools; clarifying the provision regarding the prohibition of nonsecular activities in the public schools; and providing other matters properly relating thereto.

- 1 WHEREAS, The First Amendment to the United States Constitution
- 2 guarantees the free exercise of religion, as does section 4 of article 1 of the
- 3 Nevada constitution; and
- 4 WHEREAS, The Equal Access Act enacted by Congress in 1984 was
- 5 designed to ensure that, consistent with the First Amendment, religious
- 6 activities by pupils are accorded the same access to public school facilities
- 7 as are any other nonreligious activities by the pupils; and
- 8 WHEREAS, The provisions of article 11 of the Nevada constitution that
- 9 prohibit sectarian instruction in the common schools and universities in this
- 10 state and prohibit the expenditure of public money for sectarian purpose
- 11 must be considered together with the aforementioned constitutional
- 12 guarantees of free religious expression; and
- 13 WHEREAS, On July 12, 1995, in remarks regarding religious liberty in
- 14 this country, President Clinton said that some school officials, teachers and
- 15 parents incorrectly “believe that the Constitution forbids any religious
- 16 expression at all in public schools” even though our courts have made it
- 17 clear that religious expression must not be denied as long as it is not
- 18 sponsored by school officials and it does not interfere with the rights of the
- 19 other pupils; and
- 20 WHEREAS, Because of the continued misinterpretation of the
- 21 Constitution as it relates to the voluntary expression of religion by pupils in
- 22 their art projects, homework assignments, class presentations, clothing and

1 extracurricular clubs, President Clinton directed the Secretary of Education
2 and the Attorney General to provide every school district in America with a
3 statement of principles addressing the extent to which religious expression
4 and activity are permitted in our public schools; and

5 WHEREAS, On August 10, 1995, such a statement of principles was
6 issued with a statement from the Secretary of Education that reminded the
7 local school superintendents of two basic and equally important obligations
8 on public school administrators in their dealings with religion: First, that
9 public schools may not forbid pupils who are acting on their own from
10 expressing their personal religious views or beliefs solely because they are
11 of a religious nature, but must instead give pupils the same right to engage
12 in religious activity and discussion as they have to engage in other
13 comparable nonreligious activity; and secondly, that schools may not
14 endorse religious activity or doctrine, nor may they coerce participation in
15 religious activity or allow the religious expression by one pupil to interfere
16 unreasonably with the activity of others; and

17 WHEREAS, The Secretary of Education acknowledged that the
18 implementation of these principles by school administrators must depend
19 on their careful application of the principles to each specific factual
20 situation based on a full understanding of the relevant constitutional and
21 statutory obligations; now, therefore,

22
23 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
24 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

25
26 **Section 1.** NRS 388.150 is hereby amended to read as follows:

27 388.150 1. No books, tracts or papers of a sectarian or
28 denominational character may be used or introduced in any public school
29 established pursuant to the provisions of this Title of NRS, nor may any
30 sectarian or denominational doctrines be taught in any public school.

31 2. Any school district or charter school whose officers knowingly allow
32 any public schools to be taught in violation of this section forfeits all right
33 to any public school funds.

34 **3. *Nothing in this section:***

35 **(a) *Prohibits a school district or charter school from complying with***
36 ***applicable federal laws, such as the Equal Access Act, 20 U.S.C. §§ 4071***
37 ***et seq.; or***

38 **(b) *Requires a school district or charter school to administer rules that***
39 ***discriminate against or discourage voluntary religious activity or speech***
40 ***by pupils on school property.***