

Senate Bill No. 289–Senator Washington

CHAPTER.....

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.

WHEREAS, The First Amendment to the United States Constitution guarantees the free exercise of religion, as does section 4 of article 1 of the Nevada constitution; and

WHEREAS, The Equal Access Act enacted by Congress in 1984 was designed to ensure that, consistent with the First Amendment, religious activities by pupils are accorded the same access to public school facilities as are any other nonreligious activities by the pupils; and

WHEREAS, The provisions of article 11 of the Nevada constitution that prohibit sectarian instruction in the common schools and universities in this state and prohibit the expenditure of public money for sectarian purpose must be considered together with the aforementioned constitutional guarantees of free religious expression; and

WHEREAS, On July 12, 1995, in remarks regarding religious liberty in this country, President Clinton said that some school officials, teachers and parents incorrectly “believe that the Constitution forbids any religious expression at all in public schools” even though our courts have made it clear that religious expression must not be denied as long as it is not sponsored by school officials and it does not interfere with the rights of the other pupils; and

WHEREAS, Because of the continued misinterpretation of the Constitution as it relates to the voluntary expression of religion by pupils in their art projects, homework assignments, class presentations, clothing and extracurricular clubs, President Clinton directed the Secretary of Education and the Attorney General to provide every school district in America with a statement of principles addressing the extent to which religious expression and activity are permitted in our public schools; and

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

WHEREAS, The Secretary of Education acknowledged that the implementation of these principles by school administrators must depend

on their careful application of the principles to each specific factual situation based on a full understanding of the relevant constitutional and statutory obligations; now, therefore,

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

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

- 388.150 1. No books, tracts or papers of a sectarian or denominational character may be used or introduced in any public school established pursuant to the provisions of this Title of NRS, nor may any sectarian or denominational doctrines be taught in any public school.
2. Any school district or charter school whose officers knowingly allow any public schools to be taught in violation of this section forfeits all right to any public school funds.
- 3. Nothing in this section prohibits a school district or charter school from complying with applicable federal laws, such as the Equal Access Act, 20 U.S.C. §§ 4071 et seq.*

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