



Ohio Legislative Service Commission

Bill Analysis

William Schwartz

H.B. 304

130th General Assembly
(As Reported by H. Education)

Reps. Hayes, Hood, Becker, Derickson, Hall, Wachtmann, Buchy, Maag, Lynch, McClain, Conditt, Henne, Patmon, Brenner

BILL SUMMARY

- Requires public schools to give students who wish to meet for the purpose of religious expression the same access to school facilities given to secular student groups, without regard to the content of the expression.

CONTENT AND OPERATION

Access to school facilities by religious student groups

The bill requires a school district, community school, STEM school, and college-preparatory boarding school to give students who wish to conduct a meeting for the purpose of engaging in religious expression the same access to school facilities as student secular groups, without regard to the content of a student's or group's expression.¹

The bill defines "religious expression" as including any of the following:

- (1) Prayer;
- (2) Religious gathering, including, but not limited to, prayer groups, religious clubs, "see you at the pole" gatherings, or other religious gatherings;
- (3) Distribution of written materials or literature of a religious nature;

¹ R.C. 3320.01(B).

(4) Any other activity of a religious nature, including wearing symbolic clothing or expression of a religious viewpoint, provided that the activity is not obscene, vulgar, offensively lewd, or indecent.²

Background – current law

Current statutory law prohibits a school district board of education from adopting any policy or rule respecting or promoting an establishment of religion or prohibiting any student from the free, individual, and voluntary exercise or expression of the student's religious beliefs. However, the law specifies that a district board may limit that exercise or expression to lunch periods or "other noninstructional time periods when pupils are free to associate."³

Further, current law expressly permits a district board to "provide for a moment of silence each school day for prayer, reflection, or meditation upon a moral, philosophical, or patriotic theme."⁴ No student may be required to participate in the moment of silence.

Finally, the law specifies that a district board may not prohibit a classroom teacher from providing in the classroom reasonable periods of time for activities of a moral, philosophical, or patriotic theme. Again, no student may be "required to participate in the activities, if they are contrary to the religious convictions of the student or the student's parents or guardians."⁵

HISTORY

ACTION	DATE
Introduced	10-16-13
Reported, H. Education	12-02-14

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² R.C. 3320.01(A).

³ R.C. 3313.601, not in the bill.

⁴ R.C. 3313.601.

⁵ R.C. 3313.601.

