



Ohio Legislative Service Commission

Bill Analysis

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H.B. 473

130th General Assembly
(As Introduced)

Reps. Hayes, Derickson, Hottinger, Terhar, Becker, Young, Buchy, Henne, Lynch, Smith, McClain, Amstutz

BILL SUMMARY

- Requires public schools to establish a policy permitting a limited public forum for student speakers at all school events at which a student is scheduled to speak publicly.
- Sets forth the specific parameters and requirements that must be included within the text of any policy permitting a limited public forum.
- Requires the Department of Education to develop a model policy that a school may, but is not required to, utilize in adopting a school's limited public forum policy.

CONTENT AND OPERATION

Policy establishing a limited public forum

The bill requires a school district, community school, STEM school, or college-preparatory boarding school, within 180 days after the bill's effective date, to adopt a policy to establish a limited public forum for student speakers at all school events at which a student will publicly speak.¹ Each policy must do the following:

- Provide a forum in a manner that does not discriminate on the basis of religion during a public presentation on an "otherwise permissible subject";²

¹ R.C. 3320.01(A).

² R.C. 3320.01(A)(1).

- Provide a method, based on neutral criteria, for the selection of student speakers at school events and commencement ceremonies;³
- Establish a reasonable and appropriate maximum time limit, taking into consideration the occasion at which a student will speak publicly;⁴
- Ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech;⁵
- Contain a statement, in writing, to be posted at commencement ceremonies and at other events at which a student will publicly speak that disclaims any endorsement, sponsorship, position, or expression of the message by the district or school. The bill specifies that the statement be substantially similar to the following:

The student speaker's message during this activity does not reflect the endorsement, sponsorship, position, or expression of this district or school. The content of this message was prepared by the student, and the district or school refrained from any interaction with the student regarding the student speaker's viewpoint, religious or otherwise, and only required the student's message to focus on an otherwise permissible subject.

The bill also specifies that the statement be provided "for as long as a need exists to dispel confusion over the district's or school's nonsponsorship of the student's speech."⁶

- Establish a process for selecting students to speak at formal events, at which it is customary for a student council officer, class officer, highest academically rated student, or other student who demonstrates leadership and character, as designated by the district board or school governing authority;⁷
- Establish a process for selecting students to speak at informal events, such as daily general announcements, athletic event moments of silence, and

³ R.C. 3320.01(A)(2).

⁴ R.C. 3320.01(A)(3).

⁵ R.C. 3320.01(A)(4).

⁶ R.C. 3320.01(A)(5).

⁷ R.C. 3320.01(A)(6).

other informal events as designated by the district board or school governing authority. The selection process must be based on neutral criteria and open to the entire student body of a school. Notice of the selection process must be announced not less than three days prior to selection. Students may choose which speaking engagements to volunteer for, but speakers must be selected at random. The selection process must include a period of time for which each student shall speak, such as each student shall introduce morning announcements for one week, or other time period as designated by the district board or school governing authority.⁸

The bill also prohibits any district or school from prohibiting or excluding a student from speaking on an "otherwise permissible subject" simply because the subject is expressed from a religious viewpoint.

Religious expression defined

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

- Prayer;
- Religious gatherings, including but not limited to prayer groups, religious clubs, "see you at the pole" gatherings, or other religious gatherings;
- Distribution of written materials or literature of a religious nature; or
- 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.⁹

Department of Education model policy

The bill requires the Department of Education to develop a model policy for use by school districts and schools in adopting their own limited public forum policies in compliance with the requirements of the bill. However, the bill specifically states that no district or school is required to adopt the model policy.¹⁰

⁸ R.C. 3320.01(A)(7).

⁹ R.C. 3320.01(A).

¹⁰ R.C. 3320.01(C).



HISTORY

ACTION

DATE

Introduced

03-12-14

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