

EMPLOYEE RIGHTS AND PRIVILEGES
FREEDOM OF ASSOCIATION

DGA
(LOCAL)

PROPOSED REVISIONS

An employee's participation in community, political, or employee or organization activities shall be entirely voluntary and shall not:

1. Interfere with the employee's performance of assigned duties and responsibilities.
2. Result in any political or social pressure being placed on students, parents, or staff.
3. Involve trading on the employee's position or title with the District.

**Use of District
Facilities**

Organizations representing professional, paraprofessional, or support employees may use District facilities with prior approval of the appropriate administrator. Other groups composed of District employees may use District facilities in accordance with policy GKD.

Prayer and Reading
of Bible or Other
Religious Text

In accordance with the resolution adopted by the Board, each school day each campus shall provide an opportunity for employees to participate in a period of prayer and reading of the Bible or other religious text.

General Provisions

The Superintendent or designee shall designate the appropriate location and time for the period of prayer and reading of the Bible or other religious text in accordance with law. The period designated for prayer and reading of the Bible or other religious text shall not be substituted for instructional time.

No prayer or reading of the Bible or other religious text shall occur over a District facility's public address system.

Consent Forms

An employee who wishes to participate in the period of prayer and reading of the Bible or other religious text must submit the following:

1. A signed consent form that includes an acknowledgement that the employee has a choice whether to participate in the period of prayer and reading of the Bible or other religious text;
2. A statement that the employee has no objection to participating in or hearing of the prayers or readings offered during the period; and
3. An express waiver of the employee's right to bring a claim under state or federal law arising out of the adoption of this policy, including a claim under the First Amendment, Establishment Clause in the United States Constitution or a related federal law, releasing the District and District employees from liability for those claims brought in state or federal court.

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If the employee has not submitted a consent form or has revoked a previous consent form, no prayer or reading of the Bible or other religious text shall take place in that employee's physical presence, within the hearing of that employee, or in another manner that would constitute an injury in fact within the meaning of the United States or Texas Constitution.

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STUDENT EXPRESSION

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PROPOSED REVISIONS

Prayer and Reading
of Bible or Other
Religious Text

In accordance with the resolution adopted by the Board, each school day each campus shall provide an opportunity for students to participate in a period of prayer and reading of the Bible or other religious text.

General Provisions

The Superintendent or designee shall designate the appropriate location and time for the period of prayer and reading of the Bible or other religious text in accordance with law. The period designated for prayer and reading of the Bible or other religious text shall not be substituted for instructional time.

No prayer or reading of the Bible or other religious text shall occur over a District facility's public address system.

Consent Forms

A student who wishes to participate in the period of prayer and reading of the Bible or other religious text must submit a consent form signed by their parent or guardian that includes:

1. An acknowledgement that the student has a choice whether to participate in the period of prayer and reading of the Bible or other religious text;
2. A statement that the parent or guardian has no objection to the student's participation in or hearing of the prayers or readings offered during the period; and
3. An express waiver of the student's and parent's or guardian's right to bring a claim under state or federal law arising out of the adoption of this policy, including a claim under the First Amendment, Establishment Clause in the United States Constitution or a related federal law, releasing the District and District employees from liability for those claims brought in state or federal court.

If the parent or guardian has not submitted a consent form or has revoked a previous consent form, no prayer or reading of the Bible or other religious text shall take place in that student's physical presence, within the hearing of that student, or in another manner that would constitute an injury in fact within the meaning of the United States or Texas Constitution.

**Student Expression
of Religious
Viewpoints**

The District shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and shall not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

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**Student Speakers at
Nongraduation
Events**

The District hereby creates a limited public forum for student speakers at all school events at which a student is to publicly speak. For each speaker, the District shall set a maximum time limit reasonable and appropriate to the occasion.

For purposes of this policy, a “school event” is a school-sponsored event or activity that does not constitute part of the required instruction for a segment of the school’s curriculum, regardless of whether the event takes place during or after the school day.

For purposes of this policy, “to publicly speak” means to address an audience at a school event using the student’s own words. A student is not using his or her own words when the student is reading or performing from an approved script, is delivering a message that has been approved in advance or otherwise supervised by school officials, or is making brief introductions or announcements.

**Introductory
Speakers**

Student speakers shall be given a limited public forum in accordance with the following:

1. At the beginning of each school year, the elementary school principals shall meet to establish a uniform set of public speaking opportunities on elementary campuses. Each elementary school principal shall provide notice to campus students of those volunteer opportunities. As other opportunities become known to the principal, the principal may add to the list with the approval of the area superintendent.
2. At the beginning of each school year, the secondary principals shall meet to establish a uniform set of public speaking opportunities on secondary campuses. Each secondary school principal shall provide notice to campus students of those volunteer opportunities. As other opportunities become known to the principal, the principal may add to the list with the approval of the area superintendent.

The forum shall be limited in the manner provided by this section on nongraduation events.

*Eligibility and
Selection
Procedures*

Only those students in the school at which the student is publicly speaking and who hold one of the following positions of honor based on neutral criteria are eligible to use the limited public forum: student council officers and class officers of the senior class. An eligible student shall be notified of the student’s eligibility, and a student who wishes to participate as an introducing speaker shall submit his or her name to the principal during the first full week of instruction each semester. Students are not eligible to participate if they are in a disciplinary placement.

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The names of the volunteering student speakers shall be randomly drawn until all names have been selected, and the names shall be listed in the order drawn.

*Assignment of
Introductory
Speakers*

Each selected student shall be matched chronologically to the event for which the student shall be giving the introduction. Each student will rotate after each speaking event. The list of student speakers shall be chronologically repeated as needed, in the same order. If no students volunteer or if the selected speaker declines or becomes ineligible, no student introduction will be made at the event.

*Content of
Student
Introductions*

The subject of the student introductions must be related to the purpose of the event and to the purpose of marking the opening of the event; honoring the occasion, the participants, and those in attendance; bringing the audience to order; and focusing the audience on the purpose of the event. The student must stay on the subject. The student may not engage in speech that:

- Is obscene, vulgar, offensively lewd, or indecent;
- Creates reasonable cause to believe that the speech would result in material and substantial interference with school activities or the rights of others;
- Promotes illegal drug use;
- Violates the intellectual property rights, privacy rights, or other rights of another person;
- Contains defamatory statements about public figures or others; or
- Advocates imminent lawless action and is likely to incite or produce such action.

The District shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

Disclaimer

For as long as there is a need to dispel confusion over the non-sponsorship of the student's speech, at each event in which a student shall deliver an introduction, a disclaimer shall be stated in written or oral form, or both, such as, "The student giving the introduction for this event is a volunteering student selected on neutral criteria to introduce the event. The content of the introduction is the

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private expression of the student and does not reflect the endorsement, sponsorship, position, or expression of the District.”

**Other Student
Speakers**

Certain students who have attained special positions of honor in the school have traditionally addressed school audiences from time to time as a tangential component of their achieved positions of honor, such as the captains of various sports teams, student council officers, class officers, homecoming kings and queens, prom kings and queens, and the like, and have attained their positions based on neutral criteria. Nothing in this policy eliminates the continuation of the practice of having these students, regardless of grade level, address school audiences in the normal course of their respective positions.

The District shall create a limited public forum for the speakers and shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and shall not discriminate against a student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

**Student Speakers at
Graduation
Ceremonies**

The District hereby creates a limited public forum consisting of an opportunity for the valedictorian and salutatorian to speak at graduation ceremonies. For each speaker, the District shall set a maximum time limit reasonable and appropriate to the occasion.

The forum shall be limited in the manner provided by this section on student speakers at graduation. [See also FMH(LEGAL)]

Content of Remarks

The subject of the addresses must be related to the purpose of the graduation ceremony, marking and honoring the occasion, honoring the participants and those in attendance, and the student's perspective on purpose, achievement, life, school, graduation, and looking forward to the future.

The student shall stay on the subject, and the student shall not engage in speech that:

- Is obscene, vulgar, offensively lewd, or indecent;
- Creates reasonable cause to believe that the speech would result in material and substantial interference with school activities or the rights of others;
- Promotes illegal drug use;
- Violates the intellectual property rights, privacy rights, or other rights of another person;

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- Contains defamatory statements about public figures or others; or
- Advocates imminent lawless action and is likely to incite or produce such action.

The District shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

Disclaimer

A written disclaimer shall be printed in the graduation program that states, "The students who shall be speaking at the graduation ceremony were selected based on neutral criteria to deliver messages of the students' own choices. The content of each student speaker's message is the private expression of the individual student and does not reflect any position or expression of the District or the Board of Trustees, or the District's administration, or employees of the District, or the views of any other graduate. The contents of these messages were prepared by the student volunteers, and the District refrained from any interaction with student speakers regarding the student speakers' viewpoints on permissible subjects."

**Religious
Expression in Class
Assignments**

Students may express the students' beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of the students' submission. Homework and classroom work shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school. Students may not be penalized or rewarded on account of religious content. If a teacher's assignment involves writing a poem, the work of a student who submits a poem in the form of a prayer (for example, a psalm) should be judged on the basis of academic standards, including literary quality, and not penalized or rewarded on account of its religious content.

**Freedom to Organize
Religious Groups
and Activities**

Students may organize prayer groups, religious clubs, "see you at the pole" gatherings, and other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. [See FNAB] Religious groups must be given the same access to school facilities for assembling as is given to other noncurricular groups, without discrimination based on the religious content of the group's expression. If student groups that meet for nonreligious activities are permitted to advertise or announce the groups' meetings, for

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example, by advertising in a student newspaper, putting up posters, making announcements on a student activities bulletin board or public address system, or handing out leaflets, school authorities may not discriminate against groups that meet for prayer or other religious speech. School authorities may disclaim sponsorship of noncurricular groups and events, provided they administer the disclaimer in a manner that does not favor or disfavor groups that meet to engage in prayer or other religious speech.