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**Testimony of the Texas Freedom Network on CSHB 3678  
Texas Senate Education Committee  
May 17, 2007**

Good afternoon. I'm Kathy Miller, president of the Texas Freedom Network, an organization of more than 26,000 religious and community leaders from around the state, including more than 600 clergy who make up the Texas Faith Network.

Sections 25.151, 25.153 and 25.154, of the committee substitute for HB3678 are a basic restatement of existing protections in the US and Texas Constitutions on private religious speech – in the student's free time, in homework assignments, or in religious clubs that meet after school.

It is true that isolated instances of school administrators or teachers inappropriately silencing student religious expression take place. We've heard about some of those instances today. And I believe we are all in agreement that nobody is against students wishing soldiers Merry Christmas, distributing Christmas candy, praying with their friends or talking about religion at school. Schools should respect the First Amendment and other protections **already on the books** for religious expression by all students.

But, this bill won't provide guidance to teachers and administrators to help them better understand and enforce those protections. We've heard today from lawyers who frequently use the courts to clear up confusion about what is and what is not permissible student expression of religion. That confusion does **not** arise because there is no law governing such expression, rather it arises because too often school administrators and teachers haven't been given the proper training in the First Amendment and issues of religious freedom.

I suggest we could do a much better job of protecting student religious expression if we amended HB 3678 to provide training for our public school officials to help them navigate the delicate balance between a student's right to express their faith and other students' right to not have one particular set of religious practices and beliefs promoted over all others in their public school.

In addition to the sections restating current law, C.S.H.B. 3678, by inserting Sec. 25.152 (and the accompanying model school district policy in Sec. 25.156) clearly sets out a **new proposal** for religious speech opportunities at all important school events – so called "limited public forums."

The bill creates a situation whereby the legislature dictates to **every** school district in the state that they must allow students to speak in "limited public forums" at virtually every public event, including those where student attendance is required, like assemblies and

during the school's morning announcements. The bill even threatens school districts with costly lawsuits if they don't establish each and every one of the forums outlined in this bill. Does the Texas Senate really want to require every school district to allow students to speak at **every** football game or **every day** as part of the morning announcements? Does the Senate want to tell local school districts that the school's valedictorian, who is giving the valedictory address, **may not also** speak at the opening or closing of graduation ceremonies?

Creating these limited public forums will have consequences that those pushing this bill haven't talked about. Other than vulgar, obscene or defamatory language, student speech in these forums will be virtually unrestricted. Under this legislation, a district would be unable to inhibit a student speaking at one of these forums even if his/her speech included:

- Racist criticism grounded in the "Christian Identity Movement" directed at non-white, non-European students or faculty.
- Political diatribes using religious or non-religious language and symbols.
- Non-religious expression of disagreement with school officials.
- Statements mocking the faith of other students.

While these things may not happen often, this bill would tie local districts hands when they do happen.

Further, students and parents of the majority Christian faith in a community may complain about or even boycott functions where a student of a minority faith uses the "limited public forum" to pray according to his or her tradition, (e.g. "We give all praise to Allah for our success.") As students are permitted to speak from almost any perspective in these limited public forums, there is also the possibility that students will speak out against religion altogether, which could be deeply offensive to many parents and students in the local district.

I respectfully suggest that this committee amend this legislation to eliminate Sections 25.152, 25.155 and 25.156, which require school districts to create these limited public forums.

The addition of Sections 25.157 and 25.158 in this committee substitute, providing for civil litigation, compensatory damages, and attorney general oversight, suggest that even the bill's authors know there will be more confusion, and more litigation, as a result of implementing the limited public forums in this bill. This provision on lawsuits suggests that our local school districts will be picking up a huge tab in legal fees and damages. Yet the substitute does nothing to address these hidden costs to our local school districts.

More importantly, I believe this bill, if implemented, threatens the religious freedom of many of our students and fails to address the real needs of our local administrators and teachers....training on these issues. I respectfully oppose CSHB3678 and would love to work with this committee to amend this bill in the ways I've suggested today.

Thank you.