

AMENDMENT TO RULES COMMITTEE PRINT

119-26

OFFERED BY MS. ANSARI OF ARIZONA

Strike section 1 and all that follows through the end of the bill and insert the following:

1 **SEC. 1. FINDINGS.**

2 Congress finds the following:

3 (1) The First Amendment to the Constitution
4 prohibits laws “respecting an establishment of reli-
5 gion”.

6 (2) Public elementary schools and secondary
7 schools are governmental actors and must remain
8 neutral with respect to religion.

9 (3) Courts have long held that public schools
10 may not sponsor or endorse religious activity, includ-
11 ing school-led prayer or coercive religious instruc-
12 tion.

13 (4) At the same time, students retain the right
14 to individual religious expression that is voluntary
15 and non-disruptive.

16 (5) Federal education funding may be condi-
17 tioned on compliance with constitutional protections.

1 **SEC. 2. PROHIBITION ON GOVERNMENT-ENDORSED RELI-**
2 **GIUS ACTIVITY.**

3 (a) PROHIBITION.—No public school receiving Fed-
4 eral funds shall—

5 (1) sponsor, organize, or endorse prayer or reli-
6 gious exercises;

7 (2) require or coerce students to participate in
8 religious activity;

9 (3) promote or teach religious doctrine as fact
10 in any instructional setting, except as part of a sec-
11 ular, academic study of religion; or

12 (4) display permanent or prominent religious
13 materials in classrooms or school-sponsored spaces
14 in a manner that suggests government endorsement
15 of a specific faith.

16 (b) PROTECTION OF STUDENT RIGHTS.—

17 (1) PERMISSIBLE ACTIONS.—Students at a
18 public school may—

19 (A) pray individually or in groups, pro-
20 vided such activity is voluntary and not school-
21 sponsored;

22 (B) express religious beliefs in assignments
23 or discussions, consistent with academic stand-
24 ards; and

25 (C) form religious student groups under
26 the same terms as other student organizations.

1 (2) NEUTRALITY WITH RESPECT TO RELIGIOUS
2 BELIEF.—No student shall be penalized or rewarded
3 by a public school based on religious belief or non-
4 belief.

5 (c) ENFORCEMENT.—

6 (1) ESEA FUNDS.—

7 (A) CERTIFICATION.—As a condition of re-
8 ceiving funds under the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C. 6301
10 et seq.), a public school shall certify compliance
11 with this Act at such time, in such form, and
12 containing such information as the Secretary
13 may reasonably require.

14 (B) DEPARTMENT PROCESS.—The Sec-
15 retary shall—

16 (i) establish procedures for receiving
17 complaints with respect to violations of
18 this section;

19 (ii) investigate alleged violations of
20 this section; and

21 (iii) withhold or condition the funds
22 described in subparagraph (A) from a pub-
23 lic school for repeated or willful noncompli-
24 ance of such school.

25 (2) PRIVATE RIGHT OF ACTION.—

1 (A) IN GENERAL.—Any student or parent
2 aggrieved by a violation of this Act may bring
3 a civil action in Federal court.

4 (B) RELIEF.—With respect to a civil ac-
5 tion brought pursuant to subparagraph (A), a
6 Federal court may grant the following:

7 (i) Injunctive relief.

8 (ii) Declaratory relief.

9 (iii) Reasonable attorney’s fees.

10 (d) RULE OF CONSTRUCTION.—Nothing in this Act
11 shall be construed to—

12 (1) prohibit—

13 (A) private religious expression protected
14 under the First Amendment to the Constitu-
15 tion;

16 (B) teaching about religion in a neutral,
17 academic, and historical context;

18 (C) student-initiated religious expression
19 that is voluntary and non-disruptive; or

20 (D) the use of religious texts for literary or
21 historical purposes;

22 (2) require hostility toward religion; or

23 (3) restrict the teaching of religion in a secular,
24 academic manner.

1 (e) EFFECTIVE DATE.—This Act shall take effect
2 180 days after enactment.

3 (f) DEFINITIONS.—In this section:

4 (1) ESEA TERMS.—The terms “elementary
5 school”, “parent”, “secondary school”, and “Sec-
6 retary” have the meanings given such terms in sec-
7 tion 8101 of the Elementary and Secondary Edu-
8 cation Act of 1965 (20 U.S.C. 7801).

9 (2) OVERT DISPLAY OF RELIGION.—The term
10 “overt display of religion” means any display, com-
11 munication, or activity that a reasonable observer
12 would interpret as government endorsement of a
13 particular religion.

14 (3) PUBLIC SCHOOL.—The term “public
15 school” means an elementary school or secondary
16 school receiving Federal financial assistance.

17 (4) RELIGIOUS INDOCTRINATION.—The term
18 “religious indoctrination” means the promotion, en-
19 dorsement, or teaching of religious doctrine as truth
20 by public school officials acting in their official ca-
21 pacity.

22 (5) SCHOOL PERSONNEL.—The term “school
23 personnel” includes, with respect to a public school,

- 1 teachers, administrators, staff, and contractors act-
- 2 ing under school authority.

