State of Arkansas *As Engrossed: S2/18/25*
95th General Assembly **A Bill**
Regular Session, 2025 SENATE BILL 223

By: Senator M. Johnson
By: Representative A. Brown

For An Act To Be Entitled

AN ACT TO CREATE THE RELIGIOUS RIGHTS AT PUBLIC SCHOOLS ACT OF 2025; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE RELIGIOUS RIGHTS AT PUBLIC SCHOOLS ACT OF 2025.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Religious freedom is a cornerstone of our democracy and is essential to the dignity and freedom of every individual;

(2) Arkansas Constitution Article 14, § 1, provides that "Intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable and efficient system of free public schools and shall adopt all suitable means to secure to the people the advantages and opportunities of education.";

(3) An important advantage and essential opportunity of a system of free public schools is for students to develop a virtuous lifestyle guided by deeply held, meaningful values;

(4) Religious worldviews hold an important place in overall human thought and philosophy;

(5) Religious freedom provides an environment and opportunity for students to be exposed to worldviews that form the basis for civilization and thought;

(6) Religious freedom at public schools is a right that is protected by state and federal law; and

(7) The United States Supreme Court has held in "Tinker v. Des Moines", that neither students nor teachers “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate".

(b) It is the intent of the General Assembly to:

(1) Inform Arkansas residents regarding religious protections and liberties;

(2) Ensure that this act serves only as a guide to clarify religious rights at public schools, rather than as an exhaustive list of religious rights at public schools; and

(3) Affirm that students and public school employees retain many unlisted rights by virtue of their God-given freedoms, which extend beyond those rights explicitly enumerated in this act.

SECTION 2. Arkansas Code Title 6, Chapter 10, Subchapter 1, is amended to add an additional section to read as follows:

6-10-140. Religious Rights at Public Schools Act of 2025.

(a) This section shall be known and may be cited as the "Religious Rights at Public Schools Act of 2025".

(b) At the beginning of each school year, each public school district and open-enrollment public charter school shall provide each enrolled student and individual employed by the public school district or open-enrollment public charter school with a copy of *this act by electronic means or by placement in a handbook, policy manual, or other resource designed to inform students, employees, or parents about policies, procedures, or rights.*

(c) Under the First Amendment to the United States Constitution and United States Supreme Court case law interpreting the First Amendment to the United States Constitution, a student enrolled in a public school district or an open-enrollment public charter school shall retain broad religious freedom, which includes without limitation the right to:

(1) Pray silently or aloud, individually or in groups, at any time when the student is permitted to speak freely and engage in discussions of the student’s own choosing;

(2) Pray by assembling on the property of the student’s public school district or open-enrollment public charter school in the same manner

that students are allowed to speak and assemble on the property of the student's public school district or open-enrollment public charter school for other activities;

(3) Promote *legal religious* activities on the property of the student's public school district or open-enrollment public charter school in the same manner that other activities are promoted;

(4) Display, print, recite, or discuss religious figures, religious texts, and religious beliefs in the student's public school district or open-enrollment public charter school assignments in which there is student discretion in choosing topics or people of interest;

(5) Give a Bible or other religious text to any other person at the student's public school district or open-enrollment public charter school in the same manner that the student is allowed to give away other books or texts;

(6) Individually or in groups conduct religious observances such as speaking, singing, reading, or praying at times when students are free to voluntarily converse and interact;

(7) Form and participate in religious clubs, groups, or associations in the same manner that students form and participate in other clubs, groups, or associations;

(8) Invite and host members of the clergy or other religious leaders to the student's public school district or open-enrollment public charter school in the same manner that other persons who are not enrolled in the public school district or open-enrollment public charter school are allowed to be present;

(9) Express a religious viewpoint in the same manner as other viewpoints may be expressed in the student's public school district or open-enrollment public charter school academic assignments, activities, speech, or other expressions;

(10) Pray silently during any moment of silence observed during the school day or at the student's public school district or open-enrollment public charter school activities;

(11) Display and discuss the motto of the United States at the student's public school district or open-enrollment public charter school;

(12) Read, discuss, and post documents of historical significance that are of a religious nature or contain religious quotes or

references;

(13) Have a Bible or other religious text at the student's public school district or open-enrollment public charter school in the same manner that the student is allowed to have other books or texts at the student's public school district or open-enrollment public charter school; and

(14) Read a Bible or other religious text at the student's public school district or open-enrollment public charter school in the same manner that the student is allowed to read other books or texts at the student's public school district or open-enrollment public charter school.

(d) Under the First Amendment to the United States Constitution and United States Supreme Court case law interpreting the First Amendment to the United States Constitution, an individual employed by a public school district or an open-enrollment public charter school shall retain broad religious freedom, which includes without limitation the right to:

(1) Pray silently during any moment of silence observed during the school day or at the individual's public school district or open-enrollment public charter school activities;

(2) Display and discuss the motto of the United States at the individual's public school district or open-enrollment public charter school;

(3) Read, discuss, and post documents of historical significance that are of a religious nature or contain religious quotes or references;

(4) Have a Bible or other religious text at the individual's public school district or open-enrollment public charter school in the same manner that the individual is allowed to have other books or texts at the individual's public school district or open-enrollment public charter school; and

(5) Read a Bible or other religious text at the individual's public school district or open-enrollment public charter school in the same manner that the individual is allowed to read other books or texts at the individual's public school district or open-enrollment public charter school.

(e) A public school district and an open-enrollment public charter school may:

(1) Have Bibles and other religious texts in public school libraries, classrooms, and other places where books or texts are available to public school district or open-enrollment public charter school students or

individuals employed by the public school district or open-enrollment public charter school; and

(2) Offer an academic study of the Bible course as provided by § 6-16-145.

/s/M. Johnson

APPROVED: 3/25/25