

# Report and Analysis on Religious Freedom Measures Impacting Prayer and Faith in America

| 2020 – 21 Version |



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National Legal  
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# Foreword



# Foreword

This is the 2020 – 2021 version of the Model Religious Freedom Measures Protecting Prayer and Faith in America. It is the fifth annual report. The purpose of this report is to give you, as legislators, the benefit of good work done by others and model legislation on various related topics for your consideration and potential use. This report reflects the collective wisdom and experience of individual legislators, CPCF’s legal team, and policy specialists who have worked with various pieces of legislation. This is not an exhaustive collection of model acts, resolutions, and proclamations on the topic, but it addresses most areas of recent interest.

At the outset, we emphasize that these model bills and resolutions do not try to change our model of government into a “theocracy.” We are in no way suggesting that legislation should mimic or enact any particular religious code. At the same time, the fact that our legal system and particular statutes reflect the influence of such codes (e.g., the Old Testament commandments forbidding and punishing murder certainly have counterparts in our legal code) does not disqualify those statutes. The model bills in this packet favoring religious tolerance do not force any religion on anyone; instead, they are designed to foster tolerance of religious views and practices in the public square, a tolerance sorely lacking in those who reject various aspects of religious teaching. Moreover, as can be seen in the various “talking points” relating to the model bills and resolutions, support for the bills is not based on religious dogma, but on sound social policy principles inherent in our form of government.

The following principles apply to all of the measures and should be considered early on:

1. Nothing is more important than learning to tell a story that shows why the legislation is needed. Although the text of legislation is critical, it can become sterile without painting a picture of “why” it is necessary. When you have limited time, tell the story and let the legislation speak for itself.
2. Never forget that you often communicate more with your actions than your words. Tone and temperament are vital.
3. Give special care to the name of the bill, making sure it will capture the essence of the enactment and will be easy to grasp in a positive light.
4. Do not let the perfect be the enemy of the good.

The Congressional Prayer Caucus Foundation does not advocate for or against any piece of legislation. That decision must be made by individual legislators.



Substantial contribution to the content of this Report and Analysis was provided by the Congressional Prayer Caucus Foundation, National Strategic Center, National Legal Foundation, Claybrook LLC, and ProFamily Legislative Network.



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# Stylistic Notes



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# Stylistic Notes

Because this report contains model bills intended for all jurisdictions, certain stylistic conventions used in the model acts may not be appropriate for your state or Commonwealth. Therefore, you will need to adjust some bills to fit your state's common practice.

1. Whether your state has requirements or conventions relating to titles of bills and other introductory material. Certain model bills use a generic “An act relating to . . .” paragraph as introductory material, while others do not. This must be added if your state requires it. We have not included the “Be it enacted . . .” or similar phraseology that some states commonly use, so this should be added if needed.
2. Whether and how the model act will be included in your state's code. The language in these model acts assumes a freestanding act.
3. Whether your state usually, always, or never includes “Whereas” or purpose clauses at the beginning of its bills. The model acts do not use the “Whereas” phraseology, and some will have purpose clauses and some not. When including such clauses, take care with them. Courts typically look at legislative history when adjudicating challenges to legislation. Although committee hearings and floor debate are routinely examined, “Whereas” or purpose clauses are given even more weight, as they are part of the enactment itself.
4. Whether you will need to address repealing or amending existing code provisions or whether you can simply introduce this proposed bill independently. In some states, simply including language such as “any statutes previously enacted notwithstanding . . .” or the like may suffice to address prior inconsistent statutes. The language in some model acts addresses repeal or amendment, but some model acts do not, and therefore must be added if your circumstance requires.
5. Whether the bill will or can go into effect immediately upon passage, whether this depends on certain circumstances, whether an automatic delay applies, or whether a specific date must be stated. The model bills sometimes include an effective date provision, which is common in some states but not in others. Other model acts do not contain a provision addressing its effective date and must be added if desired. Typically, the model acts state that the law will go into effect immediately.
6. Whether your state has rules or conventions regarding the amount of material contained in sections, sub-sections, etc. The model acts will contain logical divisions, which may need to be adjusted for your state. Internal cross-references will also need to be altered if the subdivisions suggested are altered and/or if references to existing statutes are required.



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# Overview of Religious Liberty Measures for States



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# Overview of Religious Liberty Measures for States

Historically, Republicans and Democrats agreed that religious liberty is a central American principle that should be protected, but over the past decade this conviction has weakened and come under increasing attack. During this same decade, the U.S. Supreme Court has recognized that the Religion Clauses give explicit favor and protection to religious expression and organizations, and that the free expression of religion frequently also involves assembly and speech, which rights reinforce and supplement the Religion Clauses.

This report presents religious liberty laws, resolutions, and proclamations that are often modeled on those that have been proposed or passed in different states over the past few years. The model measures are divided into three categories based on type and subtype. Please note that this does not mean that items in Category 1 are more important than those in Category 2, and so forth.

Having said this, in some situations identified below, introducing a bill can have positive effects, even if the bill is not ultimately passed. It is critical to think strategically. Part of that effort is not to let opponents of religious liberty dictate the terms of the discussion, but to be ready to engage them with facts and figures and research that challenge their assumptions, as Americans United for Life has done well over the last decade in the abortion rights area (which this report does not directly cover).

Having said this, in some situations identified below, introducing a bill can have positive effects, even if the bill is not ultimately passed. It is critical to think strategically. Part of that effort is not to let opponents of religious liberty dictate the terms of the discussion, but to be ready to engage them with facts and figures and research that challenge their assumptions, as Americans United for Life has done well over the last decade in the abortion rights area (which this report does not directly cover).

Category 4 provides talking points to counter anti-religious freedom legislation, and a new Category #5 provides four model policies dealing with prayer in public settings—three for public school settings and one for prayer in municipal settings, such as city council meetings.



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[Click here to read the full Overview](#)





# Overview of Religious Liberty Measures for States

Click the link below to go straight to each category of legislation.

## Category 1

Legislation  
Regarding Our  
Country's Religious  
Heritage

## Category 2

Resolutions and  
Proclamations  
Recognizing the  
Importance of Religious  
History

## Category 3

Religious Liberty  
Protection Legislation

- Public Policy Resolutions
- Protection for Professionals and Individuals
- Protection for Teachers and Students

## Category 4

Talking Points to  
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## Category 5

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# Category #1: Legislation Regarding Our Country's Religious Heritage



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# Category #1: Legislation Regarding Our Country's Religious Heritage

Measures in Category #1 recognize the place of Christian principles in our nation's history and heritage. They deal broadly with our national motto, history, and civics, including their Judeo Christian dimensions.

The measures in this category recognize that religion, and particularly our Judeo-Christian heritage, have played a large part in the founding and history of this country. It is important for our citizenry, especially young students, to be educated about these topics in order to appreciate and understand the principles on which our country is based.

We emphasize this is not an attempt at proselytization. It is only an attempt to redress what has become a serious shortfall in many educational systems that ignore this critical aspect of the intellectual history that underpins our country. Without an understanding of the basic religious dimension of our history and civics, our citizens are not as able to assess and act on the various public policy concerns that we face now and will face in the future

Despite arguments that this type of legislation is not needed, measures such as the "In God We Trust" bill can have positive impact. Even if not enacted, it can shore up later support for other governmental entities to support religious displays. For example, the U.S. House passed "In God We Trust" legislation in November 2011; although it did not pass the Senate, it had a significant ripple effect on subsequent measures, policies, and agency actions.

Other measures promote religious liberty by informing students and the general public about America's historic commitment to constitutional government and protecting basic rights—including religious liberty. Further, they may attract support from nonreligious organizations that believe an historically literate citizenry is essential for the civic health and vitality of our republic.

The measures in Category #1 include:

1. [National Motto Display Act](#)
2. [National Motto License Plate Act](#)
3. [Civic Literacy Act](#)
4. [Religion in Legal History Act](#)
5. [Bible Literacy Act](#)
6. [Ten Commandments Display Act](#)



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# National Motto Display Act

An act providing for display of the National Motto, "In God We Trust," in public buildings and on license plates.



[Click here for the full description, helpful links, and talking points](#)



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# National Motto License Plate Act

An Act to Add a “National Motto” Registration Plate as an Option for Registration Plates that are Furnished by the [name of Agency] for a Private Passenger Vehicle.

## Authorization of a “National Motto” License Plate

A “National Motto” plate shall (i) be a [color] plate, (ii) have above all other letters and numerals the motto of the United States "In God We Trust" printed in [color] lettering over a background containing the American flag, (iii) have the letters and numerals of the plate number in [color] lettering, and (iv) have below the plate number [state name] printed in [color] [font].

## Option to Request a “National Motto” License Plate

(a) An owner or lessee of a motor vehicle who has been issued, or is entitled to be issued, a registration plate, may elect in the alternative for the issuance of a registration plate that is designed in a manner to have engraved or embossed on it the language “In God We Trust,” as provided in subsection (b).

(b) Beginning [date], the [appropriate government official] shall cause to be issued registration plates issued or reissued pursuant to this section that display the language “In God We Trust” if requested pursuant to subsection (a).

## [Additional Conforming Language]

[Provide amendment of existing statutory text governing the issuance of motor vehicle license plates inserting the appropriate text to indicate that a National Motto license plate is a standard option that drivers applying for license plates may select. For example: “A registration plate issued by the [Agency name] for a private passenger vehicle or for a private hauler vehicle licensed for [insert pounds limit] shall be, at the option of the owner, either (i) a ‘[option 1]’ plate, (ii) a ‘[option 2]’ plate, or (iii) a ‘National Motto’ plate.”]

This model bill is based on a [bill](#) (HB 564) introduced in the 2018 session of the North Carolina State General Assembly.

<https://www.ncleg.gov/Sessions/2017/Bills/House/PDF/H564v0.pdf>

Other states have adopted legislation similar to this model.  
See examples listed under the previous model bill (“National Motto Display Act”).

Click here for the full description,  
helpful links, and talking points



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# Civic Literacy Act

An act providing for instruction in the content and meaning of the documents that form the foundation of our country's Constitutional Republic.

Click here for the full description, helpful links, and talking points



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# Religion in Legal History Act

An act providing for display of religious documents that have been instrumental in the development of law in the United States and this state.



[Click here for the full description, helpful links, and talking points](#)



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# Bible Literacy Act

An act relating to public school elective courses in the history and literature of the Old and New Testaments eras.

Click here for the full description, helpful links, and talking points



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# Ten Commandments Display Act

An act providing for display of the Ten Commandments in public buildings.

## Display of the Ten Commandments in Public Buildings

(a) Property belonging to the state may be used to display the Ten Commandments, and the right of a public school and public body to display the Ten Commandments on property owned or administrated by a public school or public body in this state is not restrained or abridged.

(b) The Ten Commandments shall be displayed in a manner that complies with constitutional requirements, including, but not limited to, being intermingled with historical or educational items, or both, in a larger display within or on property owned or administrated by a public school or public body.

## Funding for Display of Ten Commandments

No public funds may be expended in defense of the constitutionality of this amendment. The displays authorized under section 2 of this act shall either be donated or shall be purchased solely with funds made available through voluntary contributions to the local school boards, the State, or the [appropriate state agency].

The text of this model act is based on an amendment to the Alabama Constitution adopted in 2018. (Ala.Const. Art. I, § 3.02; Amend. No. 942; <http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2018RS/PrintFiles/SB181-int.pdf>)



Click here for the full  
description,  
helpful links, and  
talking points



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# Category #2:

## Resolutions and Proclamations Recognizing the Importance of Religious History and Freedom



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# Category #2: Resolutions and Proclamations

## Recognizing the Importance of Religious History and Freedom

The model texts on the following pages are drawn from proclamations or resolutions adopted by the U.S. Congress and various states. For each topic, the source of the model text is noted following the list of items.

The measures in Category #2 focus on our country's Judeo-Christian heritage. They are written as proclamations, but in some states they may be crafted as resolutions. Although proclamations and resolutions are largely symbolic, their passage can serve as a statement of public policy or as a means of educating the public (as when, for example, they are distributed to schools and teachers, or churches and pastors, encouraging them to observe the call in the measure or to inform their groups about its content and purpose).

Most legislatures are accustomed to passing proclamations and resolutions, and advocates in most states can point to proclamations honoring Women's History, Irish-American Heritage, Jewish American Heritage, Gay and Lesbian History, and so forth. If proclamations and resolutions recognizing these groups are appropriate, it is also reasonable to honor America's Christian (or Judeo-Christian) heritage in the same way. So, this category includes examples of various proclamations pertaining to the importance of that heritage and of religious freedom. Passage of such proclamations and resolutions can also potentially be useful for building support for specific legislation in Category #3.

We have not presented this material in what some states use as an official format (e.g., the introductory "WHEREAS..." is omitted), assuming that those using this document are best able to conform it to their state's preferred format. Instead, we have taken the substance of the proclamations and presented it as a list of items from which users can choose in crafting a proclamation or resolution that meets their goals. We have augmented these lists in a few instances, and in others we have edited language in a way that we think is likely to generate more support for adoption, without diluting the core meaning of the proclamation or resolution. Of course, the items listed are not meant to be exhaustive, but merely suggestions about what might be included based on others' efforts.

### Measures in Category #2 include:

1. [Proclamation Recognizing Religious Freedom Day](#)
2. [Proclamation Recognizing Christian Heritage Week](#)
3. [Proclamation Recognizing the Importance of the Bible in History](#)
4. [Proclamation of Call to Prayer for America Day](#)
5. [Proclamation Recognizing Christmas Day](#)



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# Proclamation Recognizing Religious Freedom Day

United States democracy is rooted in the fundamental truth that all people are created equal, endowed by the Creator with certain inalienable rights, including life, liberty, and the pursuit of happiness.

The freedom of conscience was highly valued by:

1. Individuals seeking religious freedom who settled in the American colonies; and
2. The Founders of the United States

The Virginia Statute for Religious Freedom was enacted on January 16, 1786 and was the forerunner to the Free Exercise Clause of the First Amendment to the Constitution of the United States.

The First Amendment to the Constitution of the United States protects:

1. The right of individuals to express freely and peacefully act on their religious beliefs, and
2. Individuals from coercion to profess or act on a religious belief to which they do not adhere.

Individuals who have studied United States democracy from an international perspective have noted that religion plays a central role in providing the moral base required for democracy to succeed.

Many United States Presidents have spoken on and issued proclamations acknowledging the importance of religion and religious freedom to our national well-being.

In section 2(a)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(a)), the United Congress stated, “The right to freedom of religion undergirds the very origin and existence of the United States.”

For countless people of the United States, faith is an integral part of every aspect of daily life and is not limited to their homes, houses of worship, or doctrinal creeds.

The role of religion in United States society and public life has a long and robust tradition.

[Click here to read the entire model proclamation](#)



# Proclamation Recognizing Christian Heritage Week

Religious faith was important in official American life during the periods of discovery, exploration, colonization, and growth, and has also been acknowledged and incorporated into all three branches of American Federal Government from their beginning.

This nation was founded on principles of religious freedom, and our Founding Fathers sought God, his blessings, and guidance as they established these United States of America as a free and independent nation.

The Christian heritage of our nation is reflected in the writings and work of other renowned individuals such as Abraham Lincoln, Frederick Douglass, Franklin D. Roosevelt, Harry Truman, Dwight Eisenhower, John F. Kennedy, and Martin Luther King, Jr.

The history of Christian faith and tradition of our people is reflected in countless practices of the institutions and officials of our government, such as prayer and Scripture reading preceding every session of Congress.

Numerous important American government institutions, monuments, buildings, and landmarks openly acknowledge and incorporate religious words, symbols, and imagery.

Various state proclamations may be found at <http://www.achw.org/html/twgovs.html>.

Click here to read the entire model proclamation



# Proclamation Recognizing the Importance of the Bible in History

- Johann Gutenberg, the man who changed the world with the invention of the printing press, chose the Bible as the first book to be printed.
- The Bible is perennially the best-selling book, with over five billion copies distributed during the past millennium.
- The Bible has been translated, in whole or in part, into 3,223 different languages.
- Surveys report that nine out of ten Americans have Bibles in their homes.
- Many of the great works of literature, art, and music in the past millennium were inspired by the Bible.
- The earliest public education law in America (1642) was based on the importance of each student knowing the Bible in order to avoid the civil atrocities that had beset Europe.



This model proclamation is largely based on one from the Georgia House of Representatives.

[Click here to read the entire model proclamation](#)



# Proclamation of Call to Prayer for America Day

Throughout the history of the United States, citizens have drawn strength, hope, and guidance from prayer.

From the First Continental Congress, through every form of adversity and blessing, Americans have fallen to their knees and implored God Almighty to protect their families and to heal their land.

The freedom upon which America was founded affords the right to any individual to decline to pray if he or she so desires.

However, the same freedom allows those who believe in the power of prayer to utilize that great opportunity to ask God to bless and sustain the nation.

The freedom is not diminished merely because someone is elected to public office.

To quite the contrary, the cloak of authority placed upon the shoulders of a public servant should be an inspiration for those who believe in the power of prayer, and it should be an inspiration to use that great power to ask God to bless and sustain the nation.

In early 2005, a small group of members of the United States House of Representatives began meeting in the United States Capitol to pray for the nation.

This model proclamation is based on a bipartisan “memorial” unanimously adopted by the New Mexico House of Representatives.

<https://www.nmlegis.gov/Sessions/19%20Regular/final/HM078.pdf>

Click here to read the entire model proclamation



# Proclamation Recognizing Christmas Day

Christmas is the Christian feast that celebrates the birth of Jesus Christ as the savior of all throughout the world.

Traditionally, families throughout our great state gather together during Christmas holidays, enjoying many customs including choosing a Christmas tree, participating in Christmas pageants, singing and playing Christmas carols, and exchanging gifts.

Advent and Christmas traditions and symbols prevail throughout the holiday season, and by their presence they bring to mind dearly held Christian values and beliefs, including that in Jesus Christ all people are saved from sin and promised everlasting life.

The celebration of Christmas reminds men, women, and children across our state of the lessons Christ taught and exemplified, such as the importance of caring for others, giving sacrificially, and sharing with those in need in our neighborhoods, churches, schools, and communities.

While families and friends in this state gather this December to share meals, words of encouragement, and gifts, it is important to remember the deeper meaning of Christmas and Christ's life-changing message of God's love and his promise of salvation for all people who will trust in Him.

NOW, THEREFORE, I, [governor's name], do hereby recognize December 25, [year], as CHRISTMAS DAY in this state, and I call this observance to the attention of all our citizens.

This model is largely based on Virginia's "Proclamation Recognizing Christmas Day" dated December 25, 1999.

[Click here to read the entire model proclamation](#)



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# Category #3:

## Religious Liberty Protection Legislation

The measures in Category #3 include legislation that protects the ability of citizens to speak and act upon their religious convictions. These measures will have the greatest immediate impact on protecting religious liberties, but some of them also are the most hotly contested.

We begin this category with a model resolution condemning religious persecution worldwide. We continue this category with religious freedom protection measures. After the Supreme Court declared the federal Religious Freedom Restoration Act (RFRA) to be unconstitutional with respect to state legislation, about half of the states passed their own RFRA. At first, these bills were supported by both Democrats and Republicans, but this has changed over the past decade. States without RFRA should consider passing them if feasible, but it may be more profitable to focus on narrowly crafted legislation in this category that protects small business owners, government employees, healthcare providers, pastors, adoption agencies, and so on from being forced to choose between their religious convictions and their vocations.

Opposition to the measures in this category will often be well-organized and well-financed. More care must be taken to avoid bringing this legislation to a vote unless the vote can be won. A defeated measure can often hurt more than help and will put allies and leadership in a difficult position.

We have organized these measures into three subcategories. The first is a model public policy resolution. The second deals generally with religious liberty protections for professionals and other individuals. The third category deals with religious liberty in the elementary and secondary school context.

### (a) Public Policy Resolutions.

1. [Resolution Condemning Religious Persecution Worldwide](#)

### (b) Protection for Professionals and Individuals

1. [Marriage Diversity Act \(First Amendment Defense Act\)](#)
2. [Preserving Religious Freedom Act \(Religious Freedom Restoration Act or "State RFRA"\)](#)
3. [Child Welfare Maximization Act](#)
4. [Clergy Protection Act](#)
5. [Licensed Professional Civil Rights Act](#)

### (c) Protection for Teachers and Students

1. [Student Prayer Certification Act](#)
2. [Public K-12 School Personnel Protection Act](#)
3. [Preserving Religious Freedom in School Act](#)
4. [Campus Free Speech Act](#)
5. [Public Libraries Parental Review Act](#)



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# Category #3(a): Religious Liberty Protection Legislation – Public Policy Resolution Condemning Religious Persecution Worldwide



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# Resolution Condemning Religious Persecution Worldwide

Whereas the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) found that religious persecution is not confined to a particular region or regime and reaffirmed the commitment of the United States that religious freedom is the right of every individual and should never be arbitrarily abridged by any government;

Whereas the persecution of Christians, Muslims, and members of other religions is a global problem, occurring in countries across Europe, Asia, Africa, the Middle East, and the Americas;

Whereas 2018 reports from international non-governmental organizations state that 215 million Christians experience high levels of persecution—amounting to 1 in 12 Christians worldwide; and that in the most recent 12-month reporting period 3,066 Christians were killed, 1,252 were abducted, 1,020 were raped or sexually harassed, and 793 churches were attacked;

Whereas Christians and members of other religions face persecution not only from Islamic extremist groups, like the Islamic State and Boko Haram, but also from other religious extremist groups, atheistic regimes, and from officials at all levels of government in numerous countries worldwide;

[Click here for the full Resolution](#)





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# Category #3(b): Religious Liberty Protection Legislation – Protection for Professionals and Individuals



# Category #3(b) – Protection for Professionals and Individuals

## Model Acts Dealing with Protection for the Free Exercise of Religion by Various Individuals and Organizations

The model acts in this portion of this report deal with protection of the free exercise of religion. The free exercise of religion is demonstrated both in speech and actions (e.g., prayer, wearing religious symbols) and refusal to participate in certain actions (e.g., refusal to cover abortions in health insurance, refusal to officiate or host a same-sex wedding). Individuals and organizations can draw different lines as to what actions are and are not permitted by their sincerely held religious beliefs. The right of those individuals and organizations to determine in good faith where their beliefs dictate that those lines are to be drawn, and to have those choices respected, is a fundamental freedom on which this country is founded.

Some of the model acts are broad in their application and some narrow in their focus. For that reason, they overlap to some extent. The full range of model acts is given here in recognition that, in some states, broader acts may be less likely to pass compared to narrower acts.

In the subcategory 3(c), we have collected model acts related to schools, students, teachers, and parents. Although they also fit under the rubric of “protection of free exercise,” they are unique and plentiful enough to have their own subcategory. However, some provisions of the model acts listed here in subcategory 3(b) would have application to students and teachers as well.



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# Marriage Diversity Act (First Amendment Defense Act)

An act to prohibit discriminatory action against a person who believes, speaks, or acts in accordance with a sincerely held religious belief that marriage is or should be recognized as the union of one man and one woman or that sexual relations are properly reserved to such marriage

Click here for the full text, including supporting information, notes, talking points, and helpful links



# Preserving Religious Freedom Act (Religious Freedom Restoration Act or “State RFRA”)

An act to provide for the preservation of religious freedom; to provide for a short title; to provide for findings; to provide for definitions; to provide for penalties; to provide for the granting of relief; to repeal conflicting laws; and for other purposes.

Click here for the full text, including supporting information, notes, talking points, and helpful links



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# Child Welfare Maximization Act

An act relating to child welfare services, so as to ensure that licensed child welfare service providers with sincerely held religious beliefs are allowed to continue to provide such services.

Click here for the full text, including supporting information, notes, talking points, and helpful links



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# Clergy Protection Act

An act relating to the protection of clergy and religious organizations for honoring a sincerely held religious belief relating to participation in a lawful marriage.

Click here for the full text, including supporting information, notes, talking points, and helpful links



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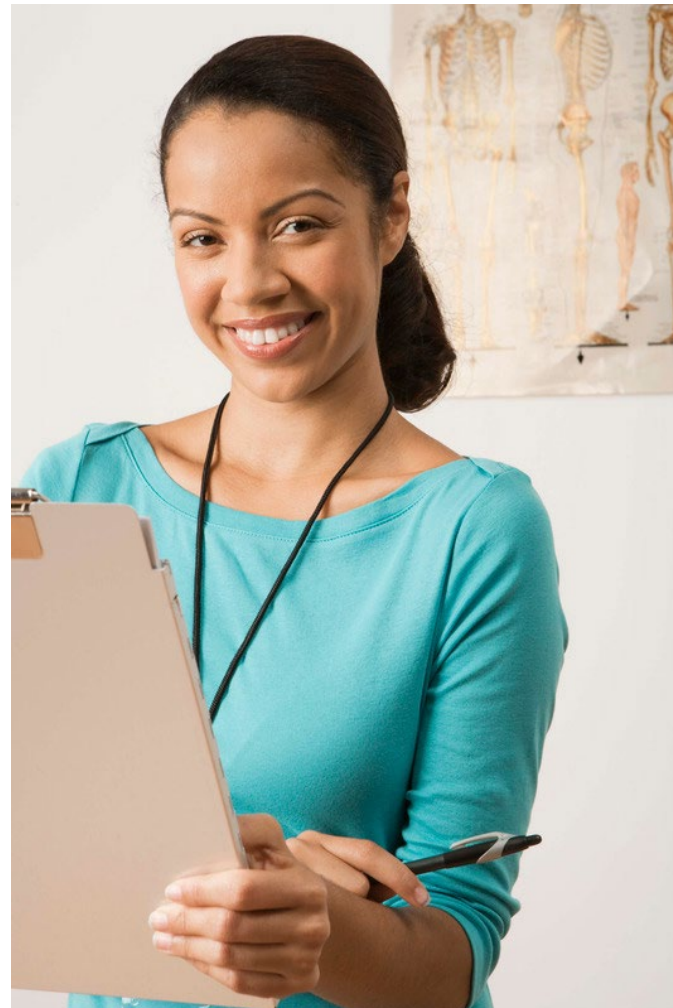
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# Licensed Professional Civil Rights Act

An act prohibiting discrimination by any individual or organization against an applicant for, or a holder of, an occupational license, due to the professional's or potential professional's sincerely held religious beliefs.

Click here for the full text, including supporting information, notes, talking points, and helpful links



# Category #3(c): Religious Liberty Protection Legislation – Protection for Teachers, Parents, and Students



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# Category #3(c) – Protection for Students and Teachers

## Model Acts Protecting Students, Teachers, and Parents in Their Free Exercise of Religion

In this final subsection of the Category #3 acts, we collect acts relating to the practice of religion in the schools, school boards, and public libraries of this country. This is a frequent battleground over the free exercise of religion by students, teachers, administrators, and parents. It commonly involves prayer, but also many other expressions, such as wearing apparel with religious messaging and discussing topics from a religious perspective. Some federal protections are already in place, such as the Equal Access Act, 20 U.S.C. § 4071, but no comprehensive ones. Also, as indicated in the initial act in this series, federal law requires school districts to certify that they are in compliance with guidelines issued by the U.S. Department of Education outlining religious freedom for students and teachers in the school setting.

1. [Student Prayer Certification Act](#)
2. [Public K-12 School Personnel Protection Act](#)
3. [Preserving Religious Freedom in School Act](#)
4. [Campus Free Speech Act](#)
5. [Public Libraries Parental Review Act](#)



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# Student Prayer Certification Act

An act providing for certain reporting and certifications by the State Board of Education and local school districts to comply with federal law.



**Click here** for the full text, including supporting information, notes, talking points, and helpful links



# Public K-12 School Personnel Protection Act

An act relating to the indemnification of, and other assistance to, those who are subjected to potentially ruinous lawsuits involving approved religious practices, including teachers, other school district employees, school districts, and members of boards that govern school districts.



**Click here** for the full text, including supporting information, notes, talking points, and helpful links



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# Preserving Religious Freedom in School Act

An act to preserve and protect the religious freedom guaranteed by the United States and state Constitutions for students and teachers in the primary and secondary public schools.



**Click here** for the full text, including supporting information, notes, talking points, and helpful links



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# Campus Free Speech Act

An act relating to the exercise and protection of freedom of speech within the [state university system], as guaranteed by the [state] and United States Constitutions.



**Click here** for the full text, including supporting information, notes, and helpful links





# Public Libraries Parental Review Act

An act relating to parental review of public library materials and events available to their children who are minors, with penalty provisions. Be it enacted by the [state legislative body] as follows:



**Click here** for the full text, including supporting information, notes, and helpful links



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# Parental Review and Consent for [Sex-Education] Participation Act

An act relating to parental review of and consent for their minor child(ren)'s participation in [official name of the public school system sex education course]. Be it enacted by the [state legislative body] as follows:

- No student shall participate in any [official name of the public school system sex education course] program without the prior written consent of his parent.
- Any parent or guardian, as those terms are defined in [appropriate cite] may review the complete [official name of the public school system sex education course] curricula, including all supplemental materials, to be used in any [official name of the public school system sex education course] program in a class in which his or her child is enrolled. A complete copy of all printed materials and a description of all audio-visual materials shall be kept in the school library or office and made available for review to any parent or guardian during school office hours before and during the school year. The audio-visual materials shall be made available to parents for review, upon request, on the same basis as printed materials are made available.
- Each school board shall develop and distribute to the parents or guardians of a student enrolled in a class in which a [official name of the public school system sex education course] program is included in the curriculum a summary designed to assist parents in understanding the program implemented in its school division as such program progresses and to encourage parental guidance and involvement in the instruction of the students. Such summary shall reflect the curricula of the program as taught in the classroom and shall include contact information for the individual or office responsible for maintaining printed and audio-visual materials. The school division shall include the following information on the summary:

"Parents and guardians have the right to review the [official name of the public school system sex education course] program offered by their school division, including written and audio-visual educational materials used in the program. No student shall participate in any [official name of the public school system sex education course] program without the prior written consent of his or her parent or guardian."

This model bill is based on a bill introduced in the Virginia legislature.

**Click here for the full text, including supporting information, notes, and helpful links**



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# Category #4: Talking Points to Counter Repeals of State RFRAs



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# Talking Points to Counter Repeals of State RFRAs

When the United States Supreme Court held (*City of Boerne v. Flores*, 521 U.S. 507 (1997)) that the federal Religious Freedom Restoration Act of 1993 (RFRA) (42 U.S.C. §§ 2000bb (1)-(4)) did not apply to State and local laws, many states proceeded to fill this gap by passing their own RFRAs. A state RFRA provides these significant benefits, which would be undermined by a repeal of a State's RFRA.

- Minority faiths are placed on the same footing as more broadly accepted religions.
- RFRAs contribute to defusing religious conflict and animosity by creating a level playing field for all faiths.
- RFRAs provide a common sensical balancing test that courts can apply when they weigh religious liberty against government interest.
- RFRAs promote greater transparency and accountability when the government seeks to take actions that impinge on the religious freedom of its citizens. These acts create an incentive for the government to find innovative and constructive approaches to achieving the government's particular interest while also respecting the religious beliefs and practices of its citizens.
- These acts reinforce this country's and this State's commitment to pluralism by protecting religious diversity. Religious freedom is a foundational principle that underlies this country's and this State's heritage of ensuring the individual's right to worship (or not to worship), unhindered, according to one's conscience and conviction.

Becket Law, a leading nonprofit public interest law firm that defends religious freedom, has identified some of the myths and truths about RFRAs (<https://www.becketlaw.org/research-central/rfra-info-central/>):

- The myth is that "RFRA spells disaster for LGBT rights;" the truth is that "21 states have passed a state RFRA. States like Connecticut and Illinois have had RFRAs on the books since the 1990s, and LGBT advocates still hail them as some of the best states for LGBT individuals."
- The myth is that "RFRA was created to discriminate based on sexual orientation;" the truth is that it "was created to protect religious minorities--RFRA was originally created after Oregon state denied unemployment benefits to Native American counselors who were fired for using peyote in their religious ceremonies."
- The myth is that "RFRA is just a trump card for religious people to use in court;" the truth is that "[n]o side gets an automatic win. The interests of all sides get weighed. All RFRA does is level the playing field in court for people of deeply held religious convictions. Sometimes they win and sometimes they lose."

[Click here to download this information](#)



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# Category #5: Model Policies on Public Prayer



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# Category #5 – Model Policies on Public Prayer

In this new category, we have added several model policies on praying in public settings.

We include four model policies dealing with prayer in public settings. The first three policies address prayer in public school settings: school board meetings, athletic events, and school club meetings. The fourth policy addresses prayer in municipal settings, such as city council meetings.

1. [Model Policy of Public Prayer or Non-Theistic Expressions at School Board Meetings](#)
2. [Model Policy on Invocation at School Sporting Events](#)
3. [Model Policy on Public Prayer or Non-Theistic Expressions at School Club Activities](#)
4. [Model Policy on Public Prayer or Non-Theistic Expressions at Municipal Meetings, Events, and Other Gatherings](#)



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# Model Policy on Public Prayer or Non-Theistic Expressions at School Board Meetings

**This policy sets out guidelines for providing a limited open forum for public prayer or non-theistic expressions at School Board meetings. It balances two important interests.**

First, many in our school community, including students, teachers, administrators, parents, and other community attendees at School Board meetings, believe it is beneficial to publicly solemnize school board meetings, as well as to remind those involved of the need for civility and goodwill. Likewise, developing and nurturing a sense of community within the school district can contribute positively to school life and the life of the larger community. We agree that these are suitable purposes, consistent with the traditions of our schools and community. Such public solemnization, reminder, and community building may be done by a welcoming statement, followed by moment of silence, a citizen- or school board member-led invocation, an inspirational exhortation, or some other means.

Second, it is important that our school district does not sponsor or endorse any particular religion or show favoritism to any religious belief or non-belief. We are conversant with the Supreme Court's decisions in this regard, including *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000), as well as other applicable court decisions, and have prepared this policy with the intent to act consistently with those court decisions. We do not read those decisions as requiring our School Board to forbid religious expression or to prohibit all prayer at School Board meetings, but as requiring that they be conducted with appropriate safeguards, which this policy puts in place. We do not accept the notion that permitting an opportunity for voluntary public prayer or other speech at School Board meetings always amounts to an unconstitutional endorsement of whatever the speaker says or that members of our community cannot distinguish between voluntary speech and School Board-endorsed messages.

[Click here for the full Policy](#)



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# Model Policy on Invocation at School Sporting Events

**This policy sets out guidelines for invocations at school sporting events. It balances three important interests.**

1. Many in our school community, including students, teachers, administrators, parents, and other community attendees at school sporting events, believe it is beneficial to solemnize gatherings of the school and larger community, as well as to remind participants and spectators (a) of the need for good sportsmanship, (b) that winning at all costs is not an appropriate goal, and (c) that there is an overriding concern for the safety of all the participants in the event. We agree that these are suitable purposes, consistent with the traditions of our schools and community. Such solemnization and reminder may be done by a welcoming statement, followed by moment of silence, a student-led invocation, an invocation by a non-student volunteer, or some other means.
2. It is important that our schools do not sponsor or endorse any particular religion or show favoritism to any religious belief or non-belief. We are conversant with the Supreme Court's decisions in this regard, including *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000), as well as other applicable court decisions, and have prepared this policy to be consistent with those court decisions. We do not read those decisions as prohibiting all prayer and other gatherings (as described in more detail below, under "Other Gatherings") at school sporting events, but as requiring that they be conducted with appropriate safeguards, which this policy puts in place. We do not accept the notion that permitting an opportunity for voluntary public prayer and gatherings at school athletic events always amounts to an unconstitutional endorsement of whatever the speaker says or that members of our community cannot distinguish between voluntary speech and school-endorsed messages.
3. The U.S. Congress has required the U.S. Secretary of Education to issue guidance on constitutionally protected prayer in public elementary and secondary schools. (Section 9524 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001; 20 U.S.C. 7904). The U.S. Secretary of Education issued such guidance in 2003, which was updated in 2020 ([https://www2.ed.gov/policy/gen/guid/religionandschools/prayer\\_guidance.html](https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)). A "local education agency" (LEA), which [School District Name] is, risks losing funding if it is not able to certify that it has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary and secondary schools. This current policy is designed to ensure that [School District Name] is able to make such certification.

[Click here for the full Policy](#)



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# Model Policy on Public Prayer or Non-Theistic Expressions at School Club Activities

**This policy sets out guidelines for providing a limited open forum for public prayer or non-theistic expressions at school club activities. It balances three interests.**

1. Many students, teachers, administrators, parents, and other community attendees at school club activities, believe it is beneficial to publicly solemnize gatherings for such activities, as well as to remind those involved of the need for civility and goodwill. Likewise, developing and nurturing a sense of community within the school or with other schools (as, for example, in a competition related to the club's focus) can contribute positively to school life. We agree that these are suitable purposes, consistent with the traditions of our schools and community. Such public solemnization, reminder, and community building may be done by a welcoming statement, followed by moment of silence, a student-led invocation, an invocation by a non-student volunteer, inspirational exhortation, or some other means.
2. It is important that our schools do not sponsor or endorse any particular religion or show favoritism to any religious belief or non-belief. We are conversant with the Supreme Court's decisions in this regard, including *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000), as well as other applicable court decisions, and have prepared this policy with the intent to act consistently with those court decisions. We do not read those decisions as requiring our schools to forbid religious expression or to prohibit all prayer at school club activities, but as requiring that they be conducted with appropriate safeguards, which this policy puts in place. We do not accept the notion that permitting an opportunity for voluntary public prayer or other speech at school club activities always amounts to an unconstitutional endorsement of whatever the speaker says or that members of our community cannot distinguish between voluntary speech and school-endorsed messages.
3. The U.S. Congress has required the U.S. Secretary of Education to issue guidance on constitutionally protected prayer in public elementary and secondary schools. (Section 9524 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001; 20 U.S.C. 7904). The U.S. Secretary of Education issued such guidance in 2003, which was updated in 2020 ([https://www2.ed.gov/policy/gen/guid/religionandschools/prayer\\_guidance.html](https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)). A "local education agency" (LEA), which [School District Name] is, risks losing funding if it is not able to certify that it has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary and secondary schools. This current policy is designed to ensure that [School District Name] is able to make such certification.



[Click here for the full Policy](#)



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# Model Policy on Public Prayer or Non-Theistic Expressions at Municipal Meetings, Events, and Other Gatherings

**This policy sets out guidelines for providing a limited open forum for public prayer or non-theistic expressions at municipal-related meetings, events, and gatherings. It balances two important interests.**

1. Many in our civic community, including citizens, elected officials, municipal employees, and other participants at municipal events, believe it is beneficial to publicly solemnize gatherings of municipal entities and the larger community, as well as to remind those involved of the need for civility and goodwill. Likewise, developing and nurturing a sense of mutual respect can contribute positively to the exercise of civic responsibilities in our community. We agree that these are suitable purposes, consistent with the traditions of our community. Such public solemnization, reminder, and community building may be done by a welcoming statement, followed by moment of silence, a citizen- or municipal official-led invocation, an inspirational exhortation, or some other means.
2. It is important that our municipality does not sponsor or endorse any particular religion or show favoritism to any religious belief or non-belief. We are conversant with the Supreme Court's decisions in this regard, including *Town of Greece*, 572 U.S. 565 (2014), as well as other applicable court decisions, and have prepared this policy with the intent to act consistently with those court decisions. We do not read those decisions as requiring our community to forbid religious expression or to prohibit all prayer at municipal-related events or gatherings, but as requiring that they be conducted with appropriate safeguards, which this policy puts in place. We do not accept the notion that permitting an opportunity for voluntary public prayer or other speech at municipal events always amounts to an unconstitutional endorsement of whatever the speaker says or that members of our community cannot distinguish between voluntary speech and municipally endorsed messages.



[Click here for the full Policy](#)



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**For more information, contact  
(757) 546-2190**

**[Help@NationalStrategicCenter.com](mailto:Help@NationalStrategicCenter.com)  
[CPCFoundation.com/NSC/](http://CPCFoundation.com/NSC/)**

