



NEW YORK STATE SENATOR

Ruben Diaz

Senate Bill 6087

RUBEN DIAZ January 10, 2012

For your information, this is a bill that has been introduced in the Senate by Senator Martin Golden and so far cosponsored by me and six other senators. If passed and signed into law by Governor Cuomo, this bill will allow all churches to use school buildings and school sites for religious meetings and worship when school is not in session in New York State. We are working very hard to get more senators to sign onto this bill.

Yours Truly,

State Senator Rubén Díaz (SD 32)

SUMMARY:

S6087 GOLDEN Same as A 8800 Castro (MS)

GOLDEN, DIAZ, GALLIVAN, LANZA, LIBOUS, MAZIARZ, SMITH, ZELDIN

Amd S414, Ed L

Authorizes the use of school buildings and school sites for religious meetings and worship when not in use for school purposes or when such service or worship is deemed not disruptive of normal school operations.

SPONSORS MEMO:

NEW YORK STATE SENATE

INTRODUCER'S MEMORANDUM IN SUPPORT

submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S6087

SPONSOR: GOLDEN

TITLE OF BILL:

An act to amend the education law, in relation to authorizing religious meetings and worship in school buildings and school sites

PURPOSE OR GENERAL IDEA OF BILL:

The purpose of the bill is to authorize the use of school buildings and school sites for religious meetings and worship when not in use for school purposes.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 amends the opening paragraph and paragraph (c) of subdivision 1 of section 414 of the education law, the opening paragraph as amended by chapter 369 of the laws of 1977 and paragraph (c) as amended by chapter 345 of the laws of 2009, are amended to include:

The City of New York and community school boards and;

A provision that allows religious meetings to include, but not limited to: meetings, services, and worship.

JUSTIFICATION:

This bill would prevent school districts from excluding groups from meeting on school property because of the religious content or viewpoint of their speech, including allowing religious worship services.

Currently, State Education Law allows for social, civic and recreational meetings and entertainment on school property, as well as other uses pertaining to the welfare of the community. State law further holds that such meetings, entertainment and uses shall be nonexclusive and shall be open to the general public. However, certain groups or organizations are not always allowed to hold the types of meetings seemingly envisioned herein, including those with religious content or viewpoints.

For example, several years ago, a U.S. appeals court ruled that the Bronx Household of Faith church ("Bronx Household"), based in New York City, was not permitted to use space in a Bronx public middle school for its Sunday morning worship service. Since then, however, the United

States Supreme Court ruled in *Good News Club vs. Milford Central School* that it was unconstitutional for a public school district in upstate New York to exclude from its facilities "a private Christian organization for children;" and the Supreme Court further held in the *Good News Club* case that "by denying the club access to the school's limited public forum on the ground that the club was religious in nature, Milford discriminated against the club because of its religious viewpoint in violation of the free speech clause.

In light of *Milford*, Bronx Household re-petitioned the U.S. appeals court, which again upheld the school's policy banning the use of its space for religious worship services, reasoning that "While the conduct of religious services undoubtedly includes expressions of a religious point of view, it is not the expression of that point of view that is prohibited by the rule. Prayer, religious expression of devotion to God, and the singing of hymns, whether done by a person or group, do not constitute the conduct of worship services. These activities are not

excluded.

Groups like Bronx Household should be allowed to hold and conduct such meetings, even in the event that such meetings include religious content or views in their speech, so long as these meetings are open to the general public. Some school districts have excluded groups and have thereby acted to regulate free speech and the conduct of such members of the public, potentially in violation of the First Amendment to the Constitution of the United States. This bill seeks to protect such organizations from these actions.

PRIOR LEGISLATIVE HISTORY:

(Unknown)

FISCAL IMPLICATIONS:

None to the state.

EFFECTIVE DATE:

This act shall take effect immediately.