



COMMONWEALTH of VIRGINIA

Office of the Governor

Terence R. McAuliffe
Governor

April 4, 2014

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 236, which proposes to codify the right of students in public schools to pray, engage in religious activities or other forms of expression and to organize prayer groups, gatherings and religious clubs to the same extent that students may engage in nonreligious activities or expression and organize other activities and groups.

While this bill provides that school divisions may disclaim school sponsorship of student-organized religious groups and activities, it requires divisions to adopt a policy that creates a "limited public forum" at every school event with a public speaker and refrain from regulating a student's voluntary expression of a religious viewpoint on an otherwise permissible subject in such a setting.

Although proponents claim that SB 236 is needed to protect the religious freedom of Virginia's public school students, the bill actually infringes on students' right to be free from coercive prayer and religious messaging at both voluntary and required school events. It is firmly settled in law that the Establishment Clause of the United States Constitution forbids school-sponsored prayer and religious indoctrination, as well as any school initiative designed to endorse prayer or sponsor a particular religious viewpoint. Further, the federal Equal Access Act already requires high schools to allow students' religious clubs the same privileges afforded to secular clubs.

Importantly, the *Guidelines Concerning Religious Activity in the Public Schools*, developed by the State Board of Education and the Office of the Attorney General, have, since 1995, clearly informed Virginia school divisions of the extensive breadth of students' freedom of religious expression, including choice of religious literature, discussion of religious themes with other willing students, voluntary student prayer, and other non-disruptive expressions of belief, both verbal and as expressed through attire or other personal effects.

I believe SB 236 is not necessary to ensure students' freedom of religious expression. The freedom of religious expression is already protected from intrusion by Virginia school divisions. SB 236 would likely subject school divisions to extensive and costly litigation. This would seriously impinge on the ability of our schools to fulfill their most important mission – providing our students with the quality education they require to succeed in the future.

Accordingly, I veto this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Terence R. McAuliffe".

Terence R. McAuliffe