

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 497
SENATE BILL 140

AN ACT TO CLARIFY THE PURPOSE FOR A MOMENT OF SILENCE IN THE PUBLIC SCHOOLS AND TO PROHIBIT LOCAL BOARDS OF EDUCATION FROM ADOPTING POLICIES THAT DENY CERTAIN FIRST AMENDMENT RIGHTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-47(29) reads as rewritten:

"(29) To Authorize the Observance of a Moment of Silence. —~~Local boards of education may~~ To afford students and teachers a moment of quiet reflection at the beginning of each day in the public schools, to create a boundary between school time and nonschool time, and to set a tone of decorum in the classroom that will be conducive to discipline and learning, each local board of education may adopt policies—a policy to authorize the observance of a moment of silence at the commencement of the first class of each day in all grades in the public schools. Such a policy shall provide that the teacher in charge of the room in which each class is held may announce that a period of silence not to exceed one minute in duration shall be observed and that during that period silence shall be maintained and no one may engage in any other activities. Such period of silence shall be totally and completely unstructured and free of guidance or influence of any kind from any sources."

Sec. 2. G.S. 115C-47 is amended by adding a new subdivision to read:

"(29b) To Ensure Freedom of Religion. – No local board of education shall have a policy of denying, or that effectively prevents participation in, prayer in public schools by individuals on a voluntary basis, except when necessary to maintain order and discipline. No local board of education shall encourage or require any person to participate in prayer or influence the form or content of any prayer in public schools. This subdivision shall not be construed to direct any local board of education to take any action in violation of the Constitutions of North Carolina or the United States."

Sec. 3. This act applies to all school years beginning with the 1995-96 school year.

In the General Assembly read three times and ratified this the 27th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives