

1 AN ACT relating to the expression of religious or political viewpoints in public
2 schools and public postsecondary institutions.

3 WHEREAS, the General Assembly is dedicated to enforcing the constitutional
4 rights of its citizens, which are secured by the Constitutions of the United States of
5 America and the Commonwealth of Kentucky;

6 NOW, THEREFORE,

7 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

8 ➔Section 1. KRS 158.183 is amended to read as follows:

9 (1) **Consistent with the Constitutions of the United States of America and the**
10 **Commonwealth of Kentucky,** a student shall have the right to carry out an activity
11 described in any of paragraphs (a) to ~~(i)~~~~(d)~~ of subsection (2) of this section, if the
12 student does not:

13 (a) Infringe on the rights of the school to:

- 14 1. Maintain order and discipline;
- 15 2. Prevent disruption of the educational process; and
- 16 3. Determine educational curriculum and assignments;

17 (b) Harass other persons or coerce other persons to participate in the activity; or

18 (c) Otherwise infringe on the rights of other persons.

19 (2) **Consistent with the Constitutions of the United States of America and the**
20 **Commonwealth of Kentucky, and** subject to the provisions of subsection (1) of this
21 section, a student shall be permitted to voluntarily:

22 (a) Pray **or engage in religious activities** in a public school, vocally or silently,
23 alone or with other students to the same extent and under the same
24 circumstances as a student is permitted to vocally or silently reflect, meditate,~~f~~
25 ~~or~~ speak on, **or engage in** nonreligious matters alone or with other students in
26 the public school;

27 (b) Express religious **or political** viewpoints in a public school to the same extent

- 1 and under the same circumstances as a student is permitted to express
2 viewpoints on nonreligious or nonpolitical topics or subjects in the school;
- 3 (c) Express religious or political viewpoints in classroom, homework, artwork,
4 and other written and oral assignments free from discrimination or penalty
5 based on the religious or political content of the submissions;
- 6 (d) Speak to and attempt to discuss religious or political viewpoints with other
7 students in a public school to the same extent and under the same
8 circumstances as a student is permitted to speak to and attempt to share
9 nonreligious or nonpolitical viewpoints with other students. However, any
10 student may demand that this speech or these attempts to share religious or
11 political viewpoints not be directed at him or her;
- 12 (e)~~(d)~~ Distribute religious or political literature in a public school, subject to
13 reasonable time, place, and manner restrictions to the same extent and under
14 the same circumstances as a student is permitted to distribute literature on
15 nonreligious or nonpolitical topics or subjects in the school;~~and~~
- 16 (f)~~(e)~~ Display religious messages on items of clothing to the same extent that
17 a student is permitted to display nonreligious messages on items of clothing;
- 18 (g) Access public secondary school facilities during noninstructional time as a
19 member of a religious student organization for activities that may include
20 prayer, Bible reading, or other worship exercises to the same extent that
21 members of nonreligious student organizations are permitted access during
22 noninstructional time;
- 23 (h) Use school media, including the public address system, the school
24 newspaper, and school bulletin boards, to announce student religious
25 meetings to the same extent that a student is permitted to use school media
26 to announce student nonreligious meetings;
- 27 (i) Meet as a member of a religious student group during noninstructional

1 time in the school day to the same extent that members of nonreligious
2 student groups are permitted to meet, including before and after the school
3 day; and

4 (j) Be absent, in accordance with attendance policy, from a public school to
5 observe religious holidays and participate in other religious practices to the
6 same extent and under the same circumstances as a student is permitted to be
7 absent from a public school for nonreligious purposes.

8 (3) Consistent with its obligations to respect the rights secured by the Constitutions
9 of the United States of America and the Commonwealth of Kentucky, a local
10 board of education shall ensure that:

11 (a) 1. The selection of students to speak at official events is made without
12 regard to the religious or political viewpoint of the student speaker;

13 2. The prepared remarks of the student are not altered before delivery,
14 except in a viewpoint-neutral manner, unless requested by the student.

15 However, student speakers shall not engage in speech that is obscene,
16 vulgar, offensively lewd, or indecent; and

17 3. If the content of the student's speech is such that a reasonable
18 observer may perceive affirmative school sponsorship or endorsement
19 of the student speaker's religious or political viewpoint, the school
20 shall communicate, in writing, orally, or both, that the student's
21 speech does not reflect the endorsement, sponsorship, position, or
22 expression of the school;

23 (b) Religious and political organizations are allowed equal access to public
24 forums on the same basis as nonreligious and nonpolitical organizations;
25 and

26 (c) No recognized religious or political student organization is hindered or
27 discriminated against in the ordering of its internal affairs, selection of

1 leaders and members, defining of doctrines and principles, and resolving of
 2 organizational disputes in the furtherance of its mission, or in its
 3 determination that only persons committed to its mission should conduct
 4 these activities.

5 (4) Consistent with its obligations to respect the rights secured by the Constitutions
 6 of the United States of America and the Commonwealth of Kentucky, a local
 7 board of education shall permit public schools in the district to sponsor artistic or
 8 theatrical programs that advance students' knowledge of society's cultural and
 9 religious heritage, as well as provide opportunities for students to study and
 10 perform a wide range of music, literature, poetry, and drama.

11 (5) No action may be maintained under KRS 158.181 to 158.187 unless the student has
 12 exhausted the following administrative remedies;

13 (a) The student or the student's parent or guardian shall state his or her complaint
 14 to the school's principal. The principal shall investigate and take appropriate
 15 action to ensure the rights of the student are resolved within seven (7) days of
 16 the date of the complaint;

17 (b) If the concerns are not resolved, then the student or the student's parent or
 18 guardian shall make a complaint in writing to the superintendent with the
 19 specific facts of the alleged violation;

20 (c) The superintendent shall investigate and take appropriate action to ensure that
 21 the rights of the student are resolved within thirty (30) days of the date of the
 22 written complaint; and

23 (d) Only after the superintendent's investigation and action may a student or the
 24 student's parent or legal guardian pursue any other legal action.

25 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
 26 READ AS FOLLOWS:

27 *A teacher in a public school shall be permitted to:*

1 (1) Teach about religion with the use of the Bible or other scripture, but without
 2 providing religious instruction, for the secular study of:

3 (a) The history of religion;

4 (b) Comparative religions;

5 (c) The Bible as literature;

6 (d) The role of religion in the history of the United States and other countries;

7 and

8 (e) Religious influences on art, music, literature, and social studies; and

9 (2) Teach about religious holidays, including religious aspects, and celebrate the
 10 secular aspects of holidays. A teacher shall not observe holidays as religious
 11 events or promote such observance by students.

12 ➔Section 3. KRS 158.186 is amended to read as follows:

13 The Department of Education shall send electronic or paper copies of Section 1 of this
 14 Act and KRS 158.195~~[158.181 to 158.187]~~ to each local school board,~~[and]~~ school-
 15 based decision making council, and certified employee in Kentucky on an annual basis.

16 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
 17 READ AS FOLLOWS:

18 Consistent with its obligations to respect the rights secured by the Constitutions of the
 19 United States and the Commonwealth of Kentucky, a governing board of a public
 20 postsecondary education institution shall ensure that:

21 (1) The expression of a student's religious or political viewpoints in classroom,
 22 homework, artwork, and other written and oral assignments is free from
 23 discrimination or penalty based on the religious or political content of the
 24 submissions;

25 (2) (a) The selection of students to speak at official events is made in a viewpoint-
 26 neutral manner; and

27 (b) The prepared remarks of the student are not altered before delivery, except

1 in a viewpoint-neutral manner, unless requested by the student. However,
2 student speakers shall not engage in speech that is obscene, vulgar,
3 offensively lewd, or indecent; and

4 (c) If the content of the student's speech is such that a reasonable observer may
5 perceive affirmative institutional sponsorship or endorsement of the student
6 speaker's religious or political viewpoint, the institution shall communicate,
7 in writing, orally, or both, that the student's speech does not reflect the
8 endorsement, sponsorship, position, or expression of the institution;

9 (3) Religious and political organizations are allowed equal access to public forums
10 on the same basis as nonreligious and nonpolitical organizations;

11 (4) No recognized religious or political student organization is hindered or
12 discriminated against in the ordering of its internal affairs, selection of leaders
13 and members, defining of doctrines and principles, and resolving of
14 organizational disputes in the furtherance of its mission, or in its determination
15 that only persons committed to its mission should conduct such activities; and

16 (5) There shall be no restrictions on the time, place, and manner of student speech
17 that occurs in the outdoor areas of campus or is protected by the First
18 Amendment of the United States Constitution, except for restrictions that are:

19 (a) Reasonable;

20 (b) Justified without reference to the content of the regulated speech;

21 (c) Narrowly tailored to serve a compelling governmental interest; and

22 (d) Limited to provide ample alternative options for the communication of the
23 information.