

1 AN ACT relating to moments of silence and reflection.

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

3 → Section 1. KRS 158.175 is amended to read as follows:

- 4 (1) As a continuation of the policy of teaching our country's history and as an  
5 affirmation of the freedom of religion in this country, the board of education of a  
6 local school district may authorize the recitation of the traditional Lord's prayer and  
7 the pledge of allegiance to the flag in public elementary schools. Pupil participation  
8 in the recitation of the prayer and pledge of allegiance shall be voluntary. Pupils  
9 shall be reminded that this Lord's prayer is the prayer our pilgrim fathers recited  
10 when they came to this country in their search for freedom. Pupils shall be informed  
11 that these exercises are not meant to influence an individual's personal religious  
12 beliefs in any manner. The exercises shall be conducted so that pupils shall learn of  
13 our great freedoms, including the freedom of religion symbolized by the recitation  
14 of the Lord's prayer.
- 15 (2) The board of education of each school district shall establish a policy and develop  
16 procedures whereby the pupils in each elementary and secondary school may  
17 participate in the pledge of allegiance to the flag of the United States at the  
18 commencement of each school day.
- 19 (3) The Kentucky Board of Education shall develop a program of instruction relating to  
20 the flag of the United States of America, including instruction in etiquette, the  
21 correct use and display of the flag, and other patriotic exercises as may be related.  
22 This program of instruction shall be provided to each public school for use in its  
23 course of instruction. The program of instruction, at a minimum, shall include the  
24 provisions of 4 U.S.C. secs. 1 to 3 and 4 U.S.C. secs. 5 to 9.
- 25 (4) The board of education of each local school district may purchase or otherwise  
26 acquire and provide for display in each classroom copies of the Declaration of  
27 Independence, the Gettysburg Address, and other documents the local board deems

1 significant to the history of Kentucky and the United States.

2 (5) **(a) The board of education of each local school district shall establish a policy**  
 3 **and develop procedures whereby,** at the commencement of the first class of  
 4 each day in all public schools, **there shall be**~~[the teacher in charge of the~~  
 5 ~~room may announce that]~~ a moment of silence or reflection **of at least one (1)**  
 6 **minute, but** not to exceed **two (2)**~~[one (1)]~~ **minutes,**~~[minute]~~ in duration~~[shall~~  
 7 ~~be observed]~~.

8 **(b) The policy required in paragraph (a) of this subsection shall ensure that all**  
 9 **pupils remain seated and silent and make no distracting display so that each**  
 10 **pupil may, in the exercise of his or her individual choice, meditate, pray, or**  
 11 **engage in any other silent activity which does not interfere with, distract**  
 12 **from, or impede other pupils' exercise of individual choice. The policy shall**  
 13 **prohibit district personnel from providing instruction to any student**  
 14 **regarding the nature of any reflection that a student may engage in during**  
 15 **the moment of silence or reflection. The policy shall require notification be**  
 16 **sent to parents or guardians providing information on the policy and**  
 17 **encouraging parents and guardians to provide guidance to their pupils**  
 18 **regarding the moment of silence or reflection.**

19 → Section 2. KRS 158.200 is amended to read as follows:

20 **(1)** The boards of education of **local**~~[independent and county]~~ school districts may  
 21 provide **an opportunity** for **pupils to attend** moral instruction ~~[of pupils]~~ in their  
 22 jurisdiction, in the manner provided in **this section**~~[KRS 158.210 to 158.260]~~.

23 **(2) (a) Local boards of education shall allow pupils to be excused for up to one (1)**  
 24 **hour on no more than one (1) day each week, which shall include time**  
 25 **attributed to travel to and from, to attend a district-approved request for a**  
 26 **moral instruction offering upon receiving the consent of the pupil's parent**  
 27 **or guardian.**

- 1 (b) Moral instruction provided under this section shall not take place on school  
2 property.
- 3 (c) Pupil participation in moral instruction shall be voluntary and free from  
4 coercion by school personnel.
- 5 (d) Moral instruction shall be given without expense to any local board of  
6 education above de minimis administrative expenses incurred in carrying  
7 out this section.
- 8 (3) An individual, organization, entity, or any combination thereof seeking to provide  
9 a moral instruction offering for pupils shall submit a written, signed request to  
10 the local board of education of a school district regarding the proposed moral  
11 instruction offering. The request shall include:
- 12 (a) Contact information for the primary individual who will be providing the  
13 moral instruction, as well as all other individuals who may be transporting  
14 pupils or providing moral instruction to students through the offering;
- 15 (b) A statement acknowledging and agreeing to be bound by the requirements  
16 placed upon moral instruction offerings under this section;
- 17 (c) The address or a description of the location where the moral instruction will  
18 be provided;
- 19 (d) A transportation plan to ensure the safety of pupils while traveling to and  
20 from moral instruction within the allotted time period;
- 21 (e) A statement acknowledging, and agreeing to inform the parent or guardian  
22 of a participating pupil, that the school district and its employees and agents  
23 shall not incur any liability as a result of any injury sustained by the pupil  
24 related to participation in the moral instruction offering;
- 25 (f) A statement acknowledging and agreeing to indemnify and hold harmless  
26 the school district and its employees and agents against any claims relating  
27 to the moral instruction offering or transportation to or from the offering;

1           and

2           (g) Proof of insurance coverage to be carried by the provider that shall include  
 3           adequate insurance for liability, property loss, and personal injury of  
 4           students related to the moral instruction offering or transportation to or  
 5           from the offering.

6           (4) (a) Upon receipt of a request under subsection (3) of this section, the local  
 7           board of education may make arrangements with the person seeking to  
 8           provide the moral instruction offering as the local board deems necessary.

9           (b) Upon approval by the local board of a request under this section, the  
 10           superintendent of the school district shall require each individual identified  
 11           in the request to submit to a national and state criminal history background  
 12           check by the Department of Kentucky State Police and the Federal Bureau  
 13           of Investigation and have a clear CA/N check, provided by the individual,  
 14           consistent with the provisions of KRS 160.380(6). The individuals, or the  
 15           organization or entity through which the moral instruction offering will be  
 16           provided, shall be responsible for all costs associated with obtaining the  
 17           criminal history and CA/N checks under this paragraph.

18           (c) As a condition of the agreement between the local board and a provider, the  
 19           local board shall require that any individual identified in the request under  
 20           subsection (3) of this section be barred from providing transportation or  
 21           participating in moral instruction offerings under this section upon receipt  
 22           by the school district of a report documenting a record of:

23           1. Child abuse or neglect;

24           2. A sex crime or criminal offense against a victim who is a minor, as  
 25           defined in KRS 17.500; or

26           3. A violent crime as defined in KRS 17.165;

27           by the individual. The prohibition shall continue until the local board

1 receives an updated record for that individual that does not contain a  
2 disqualifying item.

3 (5) A pupil who attends a moral instruction offering at the time specified and for the  
4 period fixed shall be:

5 (a) Credited with the time of attendance as if he or she had been in actual  
6 attendance in school, and the time shall be included as part of the actual  
7 school work required in KRS 158.060. A pupil shall not be penalized for any  
8 school work missed during the specified time; and

9 (b) Included in calculating the average daily attendance for the Support  
10 Education Excellence in Kentucky program as if the pupil was in actual  
11 attendance in school.

12 (6) A pupil who does not participate in a moral instruction offering shall remain in  
13 school during the time when the instruction is being given, and shall take  
14 noncredit enrichment courses or participate in educational activities not required  
15 in the regular curriculum, and that time shall be included as part of the actual  
16 school work required in KRS 158.060. Students of different grade levels may be  
17 placed into combined classrooms in accordance with maximum class size  
18 allotments as described in KRS 157.360. These courses or activities shall be  
19 supervised by certified school personnel and may include but are not limited to  
20 study hall, computer instruction, music, art, library, physical education, and  
21 tutorial assistance.

22 (7) A school district shall not discriminate against a pupil for his or her participation  
23 or nonparticipation in a moral instruction offering.

24 (8) (a) Each local board of education shall submit the following information  
25 quarterly to the Kentucky Department of Education:

26 1. The name of each applicant that submitted a request to provide a  
27 moral instruction offering;

- 1           **2. The date of the application;**
- 2           **3. The local board's approval or denial of the application; and**
- 3           **4. If the request was denied, the reason for the denial.**
- 4           **(b) The Kentucky Department of Education shall compile the quarterly reports**
- 5           **required by this subsection and submit a combined report to the Legislative**
- 6           **Research Commission no later than December 1 of each year for referral to**
- 7           **the appropriate Interim Joint Committee on Education.**

8           ➔Section 3. The following KRS sections are repealed:

- 9   158.210 Survey of desire for moral instruction may be made.
- 10 158.220 Time allowed for moral instruction in suitable place.
- 11 158.230 Arrangements with persons in charge.
- 12 158.240 Credit for moral instruction.
- 13 158.250 Activities for nonparticipants in moral instruction classes.
- 14 158.260 Cost of moral instruction.