

## CHAPTER 111

## ( SB 19 )

AN ACT relating to permitted uses of time during the school day.

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

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

- (1) As a continuation of the policy of teaching our country's history and as an affirmation of the freedom of religion in this country, the board of education of a local school district may authorize the recitation of the traditional Lord's prayer and the pledge of allegiance to the flag in public elementary schools. Pupil participation in the recitation of the prayer and pledge of allegiance shall be voluntary. Pupils shall be reminded that this Lord's prayer is the prayer our pilgrim fathers recited when they came to this country in their search for freedom. Pupils shall be informed that these exercises are not meant to influence an individual's personal religious beliefs in any manner. The exercises shall be conducted so that pupils shall learn of our great freedoms, including the freedom of religion symbolized by the recitation of the Lord's prayer.
- (2) The board of education of each school district shall establish a policy and develop procedures whereby the pupils in each elementary and secondary school may participate in the pledge of allegiance to the flag of the United States at the commencement of each school day.
- (3) The Kentucky Board of Education shall develop a program of instruction relating to the flag of the United States of America, including instruction in etiquette, the correct use and display of the flag, and other patriotic exercises as may be related. This program of instruction shall be provided to each public school for use in its course of instruction. The program of instruction, at a minimum, shall include the provisions of 4 U.S.C. secs. 1 to 3 and 4 U.S.C. secs. 5 to 9.
- (4) The board of education of each local school district may purchase or otherwise acquire and provide for display in each classroom copies of the Declaration of Independence, the Gettysburg Address, and other documents the local board deems significant to the history of Kentucky and the United States.
- (5)
  - (a) *The board of education of each local school district shall establish a policy and develop procedures whereby, at the commencement of the first class of each day in all public schools, there shall be, the teacher in charge of the room may announce that* a moment of silence or reflection *of at least one (1) minute, but not to exceed two (2) [one (1)] minutes, [minute] in duration [shall be observed].*
  - (b) *The policy required in paragraph (a) of this subsection shall ensure that all pupils remain seated and silent and make no distracting display so that each pupil may, in the exercise of his or her individual choice, meditate, pray, or engage in any other silent activity which does not interfere with, distract from, or impede other pupils' exercise of individual choice. The policy shall prohibit district personnel from providing instruction to any student regarding the nature of any reflection that a student may engage in during the moment of silence or reflection. The policy shall require notification be sent to parents or guardians providing information on the policy and encouraging parents and guardians to provide guidance to their pupils regarding the moment of silence or reflection.*

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

- (1) The boards of education of ~~local, independent and county~~ school districts may provide *an opportunity* for *pupils to attend* moral instruction ~~[of pupils]~~ in their jurisdiction, in the manner provided in ~~this section [KRS 158.210 to 158.260]~~.
- (2)
  - (a) *Local boards of education shall allow pupils to be excused for up to one (1) hour on no more than one (1) day each week, which shall include time attributed to travel to and from, to attend a district-approved request for a moral instruction offering upon receiving the consent of the pupil's parent or guardian.*
  - (b) *Moral instruction provided under this section shall not take place on school property.*
  - (c) *Pupil participation in moral instruction shall be voluntary and free from coercion by school personnel.*

- (d) *Moral instruction shall be given without expense to any local board of education above de minimis administrative expenses incurred in carrying out this section.*
- (3) *An individual, organization, entity, or any combination thereof seeking to provide a moral instruction offering for pupils shall submit a written, signed request to the local board of education of a school district regarding the proposed moral instruction offering. The request shall include:*
  - (a) *Contact information for the primary individual who will be providing the moral instruction, as well as all other individuals who may be transporting pupils or providing moral instruction to students through the offering;*
  - (b) *A statement acknowledging and agreeing to be bound by the requirements placed upon moral instruction offerings under this section;*
  - (c) *The address or a description of the location where the moral instruction will be provided;*
  - (d) *A transportation plan to ensure the safety of pupils while traveling to and from moral instruction within the allotted time period;*
  - (e) *A statement acknowledging, and agreeing to inform the parent or guardian of a participating pupil, that the school district and its employees and agents shall not incur any liability as a result of any injury sustained by the pupil related to participation in the moral instruction offering;*
  - (f) *A statement acknowledging and agreeing to indemnify and hold harmless the school district and its employees and agents against any claims relating to the moral instruction offering or transportation to or from the offering; and*
  - (g) *Proof of insurance coverage to be carried by the provider that shall include adequate insurance for liability, property loss, and personal injury of students related to the moral instruction offering or transportation to or from the offering.*
- (4) (a) *Upon receipt of a request under subsection (3) of this section, the local board of education may make arrangements with the person seeking to provide the moral instruction offering as the local board deems necessary.*
- (b) *Upon approval by the local board of a request under this section, the superintendent of the school district shall require each individual identified in the request to submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual, consistent with the provisions of KRS 160.380(6). The individuals, or the organization or entity through which the moral instruction offering will be provided, shall be responsible for all costs associated with obtaining the criminal history and CA/N checks under this paragraph.*
- (c) *As a condition of the agreement between the local board and a provider, the local board shall require that any individual identified in the request under subsection (3) of this section be barred from providing transportation or participating in moral instruction offerings under this section upon receipt by the school district of a report documenting a record of:*
  - 1. *Child abuse or neglect;*
  - 2. *A sex crime or criminal offense against a victim who is a minor, as defined in KRS 17.500; or*
  - 3. *A violent crime as defined in KRS 17.165;**by the individual. The prohibition shall continue until the local board receives an updated record for that individual that does not contain a disqualifying item.*
- (5) *A pupil who attends a moral instruction offering at the time specified and for the period fixed shall be:*
  - (a) *Credited with the time of attendance as if he or she had been in actual attendance in school, and the time shall be included as part of the actual school work required in KRS 158.060. A pupil shall not be penalized for any school work missed during the specified time; and*
  - (b) *Included in calculating the average daily attendance for the Support Education Excellence in Kentucky program as if the pupil was in actual attendance in school.*
- (6) *A pupil who does not participate in a moral instruction offering shall remain in school during the time when the instruction is being given, and shall take noncredit enrichment courses or participate in*

*educational activities not required in the regular curriculum, and that time shall be included as part of the actual school work required in KRS 158.060. Students of different grade levels may be placed into combined classrooms in accordance with maximum class size allotments as described in KRS 157.360. These courses or activities shall be supervised by certified school personnel and may include but are not limited to study hall, computer instruction, music, art, library, physical education, and tutorial assistance.*

- (7) *A school district shall not discriminate against a pupil for his or her participation or nonparticipation in a moral instruction offering.*
- (8) (a) *Each local board of education shall submit the following information quarterly to the Kentucky Department of Education:*
  - 1. *The name of each applicant that submitted a request to provide a moral instruction offering;*
  - 2. *The date of the application;*
  - 3. *The local board's approval or denial of the application; and*
  - 4. *If the request was denied, the reason for the denial.*
- (b) *The Kentucky Department of Education shall compile the quarterly reports required by this subsection and submit a combined report to the Legislative Research Commission no later than December 1 of each year for referral to the appropriate Interim Joint Committee on Education.*

➔Section 3. The following KRS sections are repealed:

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

**Veto Overridden March 27, 2025.**