

158.193 Private religious expression by school employees -- Activities permitted while employees are on duty -- Construction.

- (1) For the purposes of this section, "on duty" means those times when a school district employee is:
 - (a) Required by the district to be on campus or at another designated location and required to perform the scope of the employee's duties; or
 - (b) Otherwise acting as a designated representative of the school district.
- (2) A school district shall not punish or prohibit an employee from, or punish an employee for, engaging in private religious expression otherwise protected by the First Amendment to the United States Constitution absent a showing that the employee has engaged in actual coercion.
- (3) While a school district employee is on duty, the employee may, at a minimum:
 - (a) Engage in religious expression and discussions and share religious materials with other employees at the same time and in the same manner that employees are permitted to engage in nonreligious expression and discussions outside the scope of duties;
 - (b) Engage in private religious expression at a time when it is otherwise permissible for an employee to engage in private expressive conduct or act outside the scope of duties;
 - (c) Meet with other district employees for prayer or religious study during times that the employee is allowed to act outside the scope of duties, including but not limited to employee breaks, time before school, and during lunch;
 - (d) Work as a sponsor of a student religious club or organization and assist students in planning meetings, activities, and events to the same extent that employee sponsors of nonreligious clubs or organizations are permitted to do so;
 - (e) Wear religious clothing, symbols, or jewelry, provided that such items otherwise comply with any dress code implemented by the school district;
 - (f) Decorate their desk and other personal spaces with personal items that reflect their religious beliefs to the same extent that other employees are permitted to decorate their desk and other personal spaces with personal items; and
 - (g) During noninstructional time, engage in religious expression and share religious materials to the same extent that other employees may engage in private expression permitted under the First Amendment to the United States Constitution.
- (4) Nothing in this section shall be construed to authorize the state or any other governmental organization to:
 - (a) Require any person to participate in prayer or any other religious activity; or
 - (b) Violate the constitutional rights of any person.
- (5) This section shall not be construed to limit a school district's authority to:
 - (a) Maintain order and discipline on school property in a content-neutral and viewpoint-neutral manner;

- (b) Protect the safety of students, employees, and visitors; and
- (c) Adopt and enforce policies and procedures regarding student speech at school that respect the rights of students.

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History: Created 2023 Ky. Acts ch. 89, sec. 1, effective June 29, 2023.