

AN ACT relating to voluntary student expression of religious viewpoints in public schools.

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

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

- (1) A student shall have the right to carry out an activity described in any of paragraphs (a) to ~~(h)~~~~(d)~~ of subsection (2) of this section, if the student does not:
 - (a) Infringe on the rights of the school to:
 1. Maintain order and discipline;
 2. Prevent disruption of the educational process; and
 3. Determine educational curriculum and assignments;
 - (b) Harass other persons or coerce other persons to participate in the activity;~~or~~
 - (c) Otherwise infringe on the rights of other persons; **or**
 - (d) Engage in activity that is in violation of United States Supreme Court ruling.**
- (2) Subject to the provisions of subsection (1) of this section, a student shall be permitted to voluntarily:
 - (a) Pray in a public school, vocally or silently, alone or with other students to the same extent and under the same circumstances as a student is permitted to vocally or silently reflect, meditate, or speak on nonreligious matters alone or with other students in the public school;
 - (b) Express religious viewpoints in a public school to the same extent and under the same circumstances as a student is permitted to express viewpoints on nonreligious topics or subjects in the school;
 - (c) **Express religious viewpoints in homework, artwork, and other oral assignments free from discrimination based on the religious content of the submissions;**
 - (d) Speak to and attempt to discuss religious viewpoints with other students in a**

public school to the same extent and under the same circumstances as a student is permitted to speak to and attempt to share nonreligious viewpoints with other students. However, any student may demand that this speech or these attempts to share religious viewpoints not be directed at him or her;

(e) Organize prayer groups, religious clubs, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups;

~~(f)(d)~~ Distribute religious literature in a public school, subject to reasonable time, place, and manner restrictions to the same extent and under the same circumstances as a student is permitted to distribute literature on nonreligious topics or subjects in the school;~~and~~

~~(g)(e)~~ Be absent, in accordance with attendance policy, from a public school to observe religious holidays and participate in other religious practices to the same extent and under the same circumstances as a student is permitted to be absent from a public school for nonreligious purposes;**and**

(h) Wear clothing, accessories, and jewelry that display religious messages or religious symbols to the same extent and under the same circumstances as a student is permitted to wear clothing, accessories, and jewelry with secular messages or symbols.

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

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

(b) If the concerns are not resolved, then the student or the student's parent or guardian shall make a complaint in writing to the superintendent with the

specific facts of the alleged violation;

- (c) The superintendent shall investigate and take appropriate action to ensure that the rights of the student are resolved within thirty (30) days of the date of the written complaint; and
- (d) Only after the superintendent's investigation and action may a student or the student's parent or legal guardian pursue any other legal action.

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

A board of education shall adopt and implement a local policy regarding voluntary student expression of religious viewpoints that includes the following provisions:

- (1) A student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject shall be treated in the same manner as a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject, and the district may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject;*
- (2) Homework and classroom assignments shall be judged by ordinary academic standards of substance and relevance. Students shall not be penalized or rewarded on account of the religious content of their work;*
- (3) Student religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular student groups. If student groups that meet for nonreligious activities are permitted to advertise or announce meetings of the groups, the school district shall not discriminate against groups that meet for prayer or other religious speech. This provision extends to advertising in a student newspaper, putting up posters, posting on a student activities bulletin board or Web page, making announcements on a public address system or Web cast, or handing out leaflets to the same extent provided to student groups that meet for nonreligious activities;*

(4) Students shall be given the opportunity to offer invocation or benedictory prayers at all mandatory or optional public school exercises, including middle school and high school graduation ceremonies, and shall not be subject to censorship based on the religious content of their message; and

(5) A disclaimer that school sponsorship of events that offer a limited public forum neither favors nor disfavors individuals or groups that engage in prayer or religious speech.

→Section 3. This Act shall be implemented beginning with the 2016-2017 school year and shall be referred to as the "Student Religious Freedom Act."