

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

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

NOW, THEREFORE,

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

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

- (1) **Consistent with the Constitutions of the United States of America and the Commonwealth of Kentucky,** a student shall have the right to carry out an activity described in any of paragraphs (a) to ~~(f)~~~~(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.
- (2) **Consistent with the Constitutions of the United States of America and the Commonwealth of Kentucky, and** subject to the provisions of subsection (1) of this section, a student shall be permitted to voluntarily:
- (a) Pray **or engage in religious activities** 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,~~f~~~~or~~ speak on, **or engage in** nonreligious matters alone or with other students in the public school;
 - (b) Express religious **or political** viewpoints in a public school to the same extent

and under the same circumstances as a student is permitted to express viewpoints on nonreligious or nonpolitical topics or subjects in the school;

(c) Express religious or political viewpoints in classroom, homework, artwork, and other written and oral assignments free from discrimination or penalty based on the religious or political content of the submissions;

(d) Speak to and attempt to discuss religious or political 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 and nonpolitical viewpoints with other students. However, any student may demand that this speech or these attempts to share religious or political viewpoints not be directed at him or her;

~~(e)~~(d) Distribute religious or political 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 or nonpolitical topics or subjects in the school; and

~~(f)~~(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.

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

(a) 1. The selection of students to speak at official events is made in a viewpoint-neutral manner; and

2. The prepared remarks of the student are not reviewed or altered before delivery, except in a viewpoint-neutral manner, unless requested by the student. However, student speakers shall not engage in speech that

is not protected by the First Amendment of the United States Constitution;

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

(c) No recognized religious or political student organization is hindered or discriminated against in the ordering of its internal affairs, selection of leaders and members, defining of doctrines and principles, and resolving of organizational disputes in the furtherance of its mission, or in its determination that only persons committed to its mission should conduct these activities.

(4) 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 164 IS CREATED TO READ AS FOLLOWS:

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

- (1) The expression of a student's religious or political viewpoints in classroom, homework, artwork, and other written and oral assignments are free from discrimination or penalty based on the religious or political content of the submissions;
- (2) (a) The selection of students to speak at official events is made in a viewpoint-neutral manner; and
(b) The prepared remarks of the student are not reviewed or altered before delivery, except in a viewpoint-neutral manner, unless requested by the student. However, student speakers shall not engage in speech that is not protected by the First Amendment of the United States Constitution;
- (3) Religious and political organizations are allowed equal access to public forums on the same basis as nonreligious and nonpolitical organizations;
- (4) No recognized religious or political student organization is hindered or discriminated against in the ordering of its internal affairs, selection of leaders and members, defining of doctrines and principles, and resolving of organizational disputes in the furtherance of its mission, or in its determination that only persons committed to its mission should conduct such activities; and
- (5) There shall be no restrictions on the time, place, and manner of speech that occurs in the outdoor areas of campus or is protected by the First Amendment of the United States Constitution except for restrictions that are:
 - (a) Reasonable;
 - (b) Justified without reference to the content of the regulated speech;
 - (c) Narrowly tailored to serve significant governmental interest; and
 - (d) Limited to provide ample alternative options for the communication of the

information.