

1 AN ACT relating to public education and declaring an emergency.

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

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

4 (1) Consistent with the Constitutions of the United States of America and the
5 Commonwealth of Kentucky, a student shall have the right to carry out an activity
6 described in any of paragraphs (a) to (j) of subsection (2) of this section, if the
7 student does not:

8 (a) Infringe on the rights of the school to:

- 9 1. Maintain order and discipline;
- 10 2. Prevent disruption of the educational process; and
- 11 3. Determine educational curriculum and assignments;

12 (b) Harass other persons or coerce other persons to participate in the activity; or

13 (c) Otherwise infringe on the rights of other persons.

14 (2) Consistent with the Constitutions of the United States of America and the
15 Commonwealth of Kentucky, and subject to the provisions of subsection (1) of this
16 section, a student shall be permitted to voluntarily:

17 (a) Pray or engage in religious activities in a public school, vocally or silently,
18 alone or with other students to the same extent and under the same
19 circumstances as a student is permitted to vocally or silently reflect, meditate,
20 speak on, or engage in nonreligious matters alone or with other students in the
21 public school;

22 (b) Express religious or political viewpoints in a public school to the same extent
23 and under the same circumstances as a student is permitted to express
24 viewpoints on nonreligious or nonpolitical topics or subjects in the school;

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

- 1 (d) Speak to and attempt to discuss religious or political viewpoints with other
2 students in a public school to the same extent and under the same
3 circumstances as a student is permitted to speak to and attempt to share
4 nonreligious or nonpolitical viewpoints with other students. However, any
5 student may demand that this speech or these attempts to share religious or
6 political viewpoints not be directed at him or her;
- 7 (e) Distribute religious or political literature in a public school, subject to
8 reasonable time, place, and manner restrictions to the same extent and under
9 the same circumstances as a student is permitted to distribute literature on
10 nonreligious or nonpolitical topics or subjects in the school;
- 11 (f) Display religious messages on items of clothing to the same extent that a
12 student is permitted to display nonreligious messages on items of clothing;
- 13 (g) Access public secondary school facilities during noninstructional time as a
14 member of a religious student organization for activities that may include
15 prayer, Bible reading, or other worship exercises to the same extent that
16 members of nonreligious student organizations are permitted access during
17 noninstructional time;
- 18 (h) Use school media, including the public address system, the school newspaper,
19 and school bulletin boards, to announce student religious meetings to the same
20 extent that a student is permitted to use school media to announce student
21 nonreligious meetings;
- 22 (i) Meet as a member of a religious student group during noninstructional time in
23 the school day to the same extent that members of nonreligious student groups
24 are permitted to meet, including before and after the school day; and
- 25 (j) Be absent, in accordance with attendance policy, from a public school to
26 observe religious holidays and participate in other religious practices to the
27 same extent and under the same circumstances as a student is permitted to be

1 absent from a public school for nonreligious purposes.

2 (3) (a) Notwithstanding KRS 158.200 to 158.260 and 160.345, consistent with the
3 Constitutions of the United States of America and the Commonwealth of
4 Kentucky, a local board of education, school council, or public charter
5 school shall not include or promote any of the following concepts as part of
6 a course of instruction or in a curriculum or instructional program, or
7 allow a school council, teacher, or other employee of the school district or
8 public charter school to use supplemental instructional materials that
9 include or promote any of the following concepts:

10 1. One (1) race or sex is inherently superior to another race or sex;

11 2. An individual, by virtue of his or her race or sex, is inherently racist,
12 sexist, or oppressive, whether consciously or unconsciously;

13 3. An individual should be discriminated against or receive adverse
14 treatment solely or partly because of his or her race or sex;

15 4. Members of one (1) race or sex cannot and should not attempt to treat
16 others without respect to race or sex;

17 5. An individual's moral character is determined by his or her race or
18 sex;

19 6. An individual, by virtue of his or her race or sex, bears responsibility
20 for actions committed in the past by other members of the same race
21 or sex;

22 7. An individual should feel discomfort, guilt, anguish, or any other form
23 of psychological distress on account of his or her race or sex;

24 8. Meritocracy or traits such as a hard work ethic are racist or sexist or
25 were created by members of a particular race to oppress members of
26 another race;

27 9. The Commonwealth or the United States is fundamentally or

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irredeemably racist or sexist;

10. Values, moral or ethical codes, privileges, or beliefs can be assigned to a race or sex, or to an individual because of the individual's race or sex;

11. Promoting or advocating the violent overthrow of the United States government; or

12. Promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people.

(b) A school district employee that violates paragraph (a) of this subsection shall be subject to disciplinary action in accordance with KRS 161.120(l).

(c) 1. Any citizen residing within or having a student enrolled in a local school district may file a complaint with the Attorney General for an alleged violation of paragraph (a) of this subsection.

2. If the Attorney General finds, based on preponderance of the evidence, that a local board of education, school council, or employee of a school district or public charter school violated paragraph (a) of this subsection, the Attorney General shall:

a. Send notice of the violation to the commissioner of the Department of Education, the local board of education, the school council if one exists, and the principal of the public school or public charter school;

b. If the violation involves a certified employee of a school district or public charter school, send notice of the identity of the certified employee and the nature of the violation to the Education Professional Standards Board; and

c. If the Attorney General finds that the violation described in the notice persists on the date the notice is issued, the Attorney

1 General shall order the commissioner of the Department of
 2 Education to withhold from the allotment to the school district
 3 calculated in accordance with KRS 157.410, or any funding
 4 owing to the public charter school, the sum of five thousand
 5 dollars (\$5,000) per day from the date the notice is issued
 6 through the date the Attorney General determines the violation is
 7 remedied.

8 3. The commissioner of the Department of Education shall comply with
 9 the Attorney General and deduct and withhold the amount of funds
 10 designated by the Attorney General from any allotment to a school
 11 district or public charter school.

12 4. A school district shall cooperate with the Attorney General's
 13 investigation of an alleged violation of paragraph (a) of this
 14 subsection and, upon notification of a finding of a violation from the
 15 Attorney General, bears the burden of proving that a violation has
 16 been remedied.

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

- 20 (a) 1. The selection of students to speak at official events is made without
- 21 regard to the religious or political viewpoint of the student speaker;
- 22 2. The prepared remarks of the student are not altered before delivery,
- 23 except in a viewpoint-neutral manner, unless requested by the student.
- 24 However, student speakers shall not engage in speech that is obscene,
- 25 vulgar, offensively lewd, or indecent; and
- 26 3. If the content of the student's speech is such that a reasonable observer
- 27 may perceive affirmative school sponsorship or endorsement of the

1 student speaker's religious or political viewpoint, the school shall
2 communicate, in writing, orally, or both, that the student's speech does
3 not reflect the endorsement, sponsorship, position, or expression of the
4 school;

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

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

13 ~~(5)~~~~(4)~~ Consistent with its obligations to respect the rights secured by the
14 Constitutions of the United States of America and the Commonwealth of Kentucky,
15 a local board of education shall permit public schools in the district to sponsor
16 artistic or theatrical programs that advance students' knowledge of society's cultural
17 and religious heritage, as well as provide opportunities for students to study and
18 perform a wide range of music, literature, poetry, and drama.

19 ~~(6)~~~~(5)~~ No action may be maintained under KRS 158.181 to 158.187 unless the
20 student has exhausted the following administrative remedies;

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

25 (b) If the concerns are not resolved, then the student or the student's parent or
26 guardian shall make a complaint in writing to the superintendent with the
27 specific facts of the alleged violation;

1 (c) The superintendent shall investigate and take appropriate action to ensure that
2 the rights of the student are resolved within thirty (30) days of the date of the
3 written complaint; and

4 (d) Only after the superintendent's investigation and action may a student or the
5 student's parent or legal guardian pursue any other legal action.

6 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
7 READ AS FOLLOWS:

8 *No student enrolled at a public postsecondary education institution shall be required to*
9 *engage in any form of mandatory gender or sexual diversity training or counseling.*
10 *Any orientation or requirement that presents any form of race or sex stereotyping or a*
11 *bias on the basis of race or sex shall be prohibited.*

12 ➔Section 3. This Act may be cited as the Education Non-Discrimination Act or
13 END Act.

14 ➔Section 4. Whereas it is imperative that the racist indoctrination of children in
15 Kentucky schools be eradicated, an emergency is declared to exist, and this Act takes
16 effect upon its passage and approval by the Governor or upon its otherwise becoming a
17 law.