

1 AN ACT relating to student instruction.

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, 160.345, and 158.6453(19), a
3 public school or public charter school shall provide instruction and
4 instructional materials that are consistent with the following concepts:

5 1. All individuals are created equal;

6 2. Americans are entitled to equal protection under the law;

7 3. An individual deserves to be treated on the basis of the individual's
8 character rather than on the basis of the individual's race or sex;

9 4. An individual, by virtue of the individual's race or sex, does not bear
10 responsibility for actions committed by other members of the same
11 race or sex;

12 5. The understanding that the institution of slavery and post-Civil War
13 laws enforcing racial segregation and discrimination were contrary to
14 the fundamental American promise of life, liberty, and the pursuit of
15 happiness, as expressed in the Declaration of Independence, but that
16 defining racial disparities solely on the legacy of this institution is
17 destructive to the unification of our nation;

18 6. The future of America's success is dependent upon cooperation
19 between members of all races;

20 7. Personal agency and the understanding that, regardless of race, sex,
21 or socioeconomic status, an American has the power to succeed when
22 he or she is given sufficient opportunity and is committed to seizing
23 that opportunity through hard work, pursuit of education, and good
24 citizenship; and

25 8. The significant value of the democratic principles of equality,
26 freedom, inalienable rights, respect for individual rights, liberty, and
27 the consent of the governed.

1 (b) Nothing in paragraph (a) of this subsection shall be construed to restrict a
 2 public school or public charter school from providing instruction or using
 3 instructional materials that include:

4 1. The history of an ethnic group, as described in textbooks and
 5 instructional materials adopted by a school district;

6 2. The impartial discussion of controversial aspects of history; or

7 3. The impartial instruction and instructional materials on the historical
 8 oppression of a particular group of people based on race, ethnicity,
 9 class, nationality, religion, or geographic region.

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

13 (a) 1. The selection of students to speak at official events is made without
 14 regard to the religious or political viewpoint of the student speaker;

15 2. The prepared remarks of the student are not altered before delivery,
 16 except in a viewpoint-neutral manner, unless requested by the student.
 17 However, student speakers shall not engage in speech that is obscene,
 18 vulgar, offensively lewd, or indecent; and

19 3. If the content of the student's speech is such that a reasonable observer
 20 may perceive affirmative school sponsorship or endorsement of the
 21 student speaker's religious or political viewpoint, the school shall
 22 communicate, in writing, orally, or both, that the student's speech does
 23 not reflect the endorsement, sponsorship, position, or expression of the
 24 school;

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

27 (c) No recognized religious or political student organization is hindered or

1 discriminated against in the ordering of its internal affairs, selection of leaders
2 and members, defining of doctrines and principles, and resolving of
3 organizational disputes in the furtherance of its mission, or in its
4 determination that only persons committed to its mission should conduct these
5 activities.

6 ~~(5)~~~~(4)~~ Consistent with its obligations to respect the rights secured by the
7 Constitutions of the United States of America and the Commonwealth of Kentucky,
8 a local board of education shall permit public schools in the district to sponsor
9 artistic or theatrical programs that advance students' knowledge of society's cultural
10 and religious heritage, as well as provide opportunities for students to study and
11 perform a wide range of music, literature, poetry, and drama.

12 ~~(6)~~~~(5)~~ No action may be maintained under KRS 158.181 to 158.187 unless the
13 student has exhausted the following administrative remedies;

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

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

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

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

26 ➔Section 2. KRS 158.195 is amended to read as follows:

27 (1) (a) Beginning in the 2019-2020 school year, local boards shall require each public

1 elementary and secondary school to display the national motto of the United
2 States, "In God We Trust," in a prominent location in the school.

3 (b) The display required in paragraph (a) of this subsection may take the form of
4 but is not limited to a mounted plaque or student artwork.

5 (c) For purposes of this section, "prominent location" means a school entryway,
6 cafeteria, or common area where students are likely to see the national motto.

7 (2) Local boards may allow any teacher or administrator in a public school district of
8 the Commonwealth to read or post in a public school building, classroom, or event
9 any excerpts or portions of: the national motto; the national anthem; the pledge of
10 allegiance; the preamble to the Kentucky Constitution; the Declaration of
11 Independence; the Mayflower Compact; the writings, speeches, documents, and
12 proclamations of the founding fathers and presidents of the United States; United
13 States Supreme Court decisions; and acts of the United States Congress including
14 the published text of the Congressional Record. There shall be no content-based
15 censorship of American history or heritage in the Commonwealth based on religious
16 references in these writings, documents, and records.

17 **(3) Notwithstanding KRS 160.345 and 158.6453(19), the following documents and**
18 **speeches shall be embedded across middle and high school curricula:**

19 **(a) The Mayflower Compact;**

20 **(b) The Declaration of Independence;**

21 **(c) The Constitution of the United States;**

22 **(d) The Federalist No. 1 (Alexander Hamilton);**

23 **(e) The Federalist Nos. 10 and 51 (James Madison);**

24 **(f) The June 8, 1789, speech on amendments to the Constitution of the United**
25 **States by James Madison;**

26 **(g) The first ten (10) amendments to the Constitution of the United States, also**
27 **known as the Bill of Rights;**

- 1 (h) The 1796 Farewell Address by George Washington;
- 2 (i) The United States Supreme Court opinion in Marbury v. Madison, 5 U.S.
- 3 137 (1803);
- 4 (j) The Monroe Doctrine by James Monroe;
- 5 (k) What to the Slave is the Fourth of July? speech by Frederick Douglass;
- 6 (l) The United States Supreme Court opinion in Dred Scott v. Sandford, 60
- 7 U.S. 393 (1857);
- 8 (m) Final Emancipation Proclamation by Abraham Lincoln;
- 9 (n) The Gettysburg Address by Abraham Lincoln;
- 10 (o) Declaration of Rights of the Women of the United States by Susan B.
- 11 Anthony, Matilda Joslyn Gage, and Elizabeth Cady Stanton;
- 12 (p) The September 18, 1895, Atlanta Exposition Address by Booker T.
- 13 Washington;
- 14 (q) Of Booker T. Washington and Others by W.E.B. Du Bois;
- 15 (r) The United States Supreme Court opinion in Plessy v. Ferguson, 163 U.S.
- 16 537 (1896);
- 17 (s) The August 31, 1910, New Nationalism speech by Theodore Roosevelt;
- 18 (t) The January 11, 1944, State of the Union Address by Franklin D.
- 19 Roosevelt;
- 20 (u) The United States Supreme Court opinions in Brown v. Board of Education
- 21 of Topeka, 347 U.S. 483 (1954) and Brown v. Board of Education of
- 22 Topeka, 349 U.S. 294 (1955);
- 23 (v) Letter from Birmingham Jail by Martin Luther King, Jr.;
- 24 (w) The August 28, 1963, I Have a Dream speech by Martin Luther King, Jr.;
- 25 and
- 26 (x) A Time for Choosing by Ronald Reagan.
- 27 (4) Notwithstanding the every six (6) year schedule set forth in KRS 158.6453(2)(a),

1 *no later than July 1, 2023, the Kentucky Board of Education shall incorporate*
2 *the documents and speeches listed in subsection (3) of this section into the grade-*
3 *level appropriate social studies academic standards and align corresponding*
4 *assessments. This revision shall not delay or otherwise impact the existing*
5 *schedule as set forth in KRS 158.6453(2).*

6 ➔Section 3. KRS 161.164 is amended to read as follows:

7 (1) No employee of the local school district shall take part in the management or
8 activities of any political campaign for school board.

9 (2) No candidate for school board shall solicit or accept any political assessment,
10 subscription, contribution, or service of any employee of the school district.

11 (3) No person shall use or promise to use, directly or indirectly, any official authority or
12 influence, whether possessed or anticipated, to secure or attempt to secure for any
13 person an appointment or advantage in appointment to a position as teacher or
14 employee of any district board of education, or an increase in pay or other
15 advantage in employment in any such position, for the purpose of influencing the
16 vote or political action of any person.

17 (4) No teacher or employee of any district board of education shall be appointed or
18 promoted to, or demoted or dismissed from, any position or in any way favored or
19 discriminated against with respect to employment because of his political or
20 religious opinions or affiliations or ethnic origin or race or color or sex or age or
21 disabling condition.

22 (5) *(a) An employee of a local school district or public charter school shall not be*
23 *compelled to discuss current events or controversial topics related to public*
24 *policy or social affairs with students.*

25 *(b) Any instruction or instructional materials on current events or controversial*
26 *topics related to public policy or social affairs provided to public school or*
27 *public charter school students shall explore those topics from diverse and*

1 contending perspectives without giving deference to any one (1) perspective,
2 regardless of whether the individual that provides the instruction is
3 employed by the local school district or public charter school.

4 **(6) An employee of a public school district or public charter school shall not require,**
5 **or make part of any course for academic credit:**

6 **(a) A student to personally engage in lobbying for legislation at the local, state,**
7 **or federal level; or**

8 **(b) Personally engage in any form of social or public policy advocacy to which**
9 **the student, or a parent or guardian of a minor student, objects.**

10 **(7) An employee of a local school district or public charter school shall not be**
11 **required to engage in training, orientation, or therapy that presents any form of**
12 **race or sex stereotyping or blame on the basis of race or sex.**

13 **(8)** The local superintendent shall inform all school employees of the provisions of this
14 section.

15 ➔Section 4. This Act may be cited as the Teaching American Principles Act.