

1 AN ACT relating to student rights.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Academic study of religion" means the objective, educational examination*
7 *of religious traditions, texts, history, or practices for secular scholarly*
8 *purposes, conducted in a manner that neither promotes nor denigrates any*
9 *particular religious belief or nonbelief;*

10 *(b) "Club" means a noncurricular student group recognized by the school*
11 *district and that qualifies through the safe haven provisions of 20 U.S.C sec.*
12 *4071(c) for protection under the Equal Access Act;*

13 *(c) "Coerce" means exerting direct or indirect pressure through official policy,*
14 *practice, or conduct, which would compel a reasonable student to*
15 *participate in or refrain from religious exercise against the student's*
16 *conscience;*

17 *(d) "Endorsement" means a governmental practice that a reasonable observer*
18 *would view as government approval, favor, or disapproval of religion or*
19 *particular religious beliefs;*

20 *(e) "Nonparticipatory capacity" means presence at a student religious club*
21 *meeting or event solely for supervisory purposes, as defined in the Equal*
22 *Access Act, without lecturing, proselytizing, praying, preaching, planning*
23 *religious events, or otherwise engaging in religious activities;*

24 *(f) "Official capacity" means when a person is:*

25 *1. Performing official duties or furthering the work of a school district;*

26 *or*

27 *2. Acting under or with power or authority granted by virtue of*

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employment by or association with a school district;

(g) "Prayer" means a communication, either spoken or written, directed toward a deity, deities, or other supernatural or spiritual force, including but not limited to a benediction, invocation, chant, or request for guidance, blessing, forgiveness, or intervention;

(h) "Proselytizing" means attempting to convert individuals from one religion, religious belief, or nonbelief to another through persuasion or inducement;

(i) "Religious activity" means any practice, observance, or expression intended primarily for religious purposes, including but not limited to prayer, worship, religious instruction, or proselytizing;

(j) "Religious display" means any visual presentation of religious symbols, texts, imagery, or artifacts that conveys a religious message or promotes religious beliefs;

(k) "Religious text" means writing that is used primarily for devotional, worship, or proselytizing purposes rather than for legitimate academic study of religion, religious history, or comparative religion;

(l) "School event":

1. Means any activity at a school facility or sponsored, conducted, or supervised by a school official acting in his or her official capacity;

2. Includes but is not limited to any graduation, grade-promotion ceremony, award program, induction ceremony, pep rally, competition, practice, performance, class instructional time, and club meeting or event; and

3. Does not mean:

a. A student religious club meeting or event, if all school officials who are present at the meeting or event are attending in a nonparticipatory capacity;

- 1 b. An activity at a school facility, if it is outside the presence of
2 students and no school official acts in official capacity; or
- 3 c. An activity at a school facility that is used by a third party
4 pursuant to a standard facility use agreement or advance written
5 permission that indicates the responsible third-party user, use
6 period, facility to be used, purpose of use, and conditions of use,
7 provided such use occurs during the agreed period, is on terms
8 consistent with other third-party users, involves no school
9 official acting in official capacity, and does not take place during
10 school hours;
- 11 (m) "School official" means any employee, agent, or representative of a public
12 school or school district, including but not limited to teachers,
13 administrators, coaches, and support staff;
- 14 (n) "School property" means any building, facility, grounds, or vehicle owned,
15 leased, or controlled by a public school or school district; and
- 16 (o) "Secular purpose" means an objective that is not primarily religious in
17 nature and serves a legitimate educational, administrative, or civic function.
- 18 (2) Notwithstanding any other statute to the contrary, all public school students shall
19 enjoy:
- 20 (a) The right to practice any religion they choose on school grounds or at
21 school events, provided that their practices are orderly and do not inhibit the
22 operations or safety of the school or infringe on the rights of others;
- 23 (b) The right to not practice any religion whatsoever, if they so choose, on
24 school property or at school events;
- 25 (c) The right to be free from discrimination based on their religious beliefs or
26 lack thereof;
- 27 (d) The right to be free from school-sponsored religious teachings or practices

1 of all kinds on school property or at school events, including but not limited

2 to:

3 1. School official-led prayer;

4 2. Prayer led by students or adults who are not school officials, when it

5 is:

6 a. Sponsored by the school; or

7 b. Supported by the school by means of marketing, planning,
8 audio-visual equipment, or endorsement by any school official or
9 the school itself;

10 3. Any religious instruction as part of a school curriculum, including
11 creationism and intelligent design; and

12 4. Required or coerced reading of religious texts other than for the
13 academic study of religion. Any academic study of religion that
14 includes instruction of religious perspectives shall include multiple
15 religious perspectives;

16 (e) The right to be free of school-sponsored religious displays on school
17 property or at school events:

18 1. Including but not limited to:

19 a. The Ten Commandments and similar statements of religious
20 doctrine;

21 b. The Christian cross, the Star of David, the Star and Crescent of
22 Islam, and similar symbols; and

23 c. Depictions of holy figures, prophets, or spiritual leaders for the
24 purpose of promoting religious adherence; and

25 2. Not including:

26 a. De minimis wardrobe items worn by others, including necklaces,
27 rings, or headdresses; and

- 1 b. Displays in a private office area, so long as the display is not
2 obvious to students or the public;
- 3 (f) The right to be free from school-sponsored religious messaging on school
4 property or at school events, including at school assemblies and in the
5 classroom. This paragraph shall not prohibit:
- 6 1. Student-created religious expression in individual assignments or
7 projects, so long as the work addresses the learning objectives required
8 by the curriculum;
- 9 2. Reasonable accommodation of religious practices, including:
- 10 a. Reasonable scheduling accommodations for religious
11 observances;
- 12 b. Dietary accommodations consistent with religious requirements;
- 13 c. Styling of hair or personal grooming practices consistent with
14 religious or cultural practices;
- 15 d. Wearing of religious items, jewelry, and regalia, including
16 Indigenous traditional regalia and religious items; and
- 17 e. Any personal expression of religious practices, or of nonbelief,
18 provided it does not interfere with the rights of others or the safe
19 and normal functioning of the school, and provided it is not done
20 by school officials;
- 21 (g) The right to refuse to engage in religious discussions or otherwise reject
22 unwanted proselytizing by other students; and
- 23 (h) The right to be free from incentives, offered from either the school or a
24 school official, to participate in religious activities during school hours
25 facilitated by third-party organizations, including but not limited to offers of
26 money, food, school supplies, or other items not otherwise available in the
27 school.

- 1 (3) No later than November 1, 2026, each school district shall establish a formal
2 grievance procedure for students, parents, and school officials to report violations
3 of this section. At a minimum, the grievance procedure shall require that:
4 (a) Within seven (7) days, complaints are acknowledged by the school district;
5 (b) Within fourteen (14) days, investigations of complaints are initiated by the
6 school district;
7 (c) Within forty (40) days or immediately upon completing the investigation
8 required by paragraph (b) of this subsection, whichever occurs first,
9 complaints are responded to with a written determination and an action
10 plan identifying necessary and specific steps to remediate any violations
11 found; and
12 (d) Complainants have a right to appeal to the local board of education.
- 13 (4) (a) Any student or parent of a student who alleges a violation of this section
14 that occurs on or after November 1, 2026, may bring a civil action in a court
15 of competent jurisdiction for declaratory, monetary, and injunctive relief
16 within two (2) years from the date of the alleged violation.
17 (b) For purposes of enforcing this section, any student currently enrolled or
18 who was enrolled in a public school at the time of the alleged violation, or
19 his or her parent or guardian, shall have standing to bring a civil action
20 under this subsection, without having to demonstrate an economic injury.
21 (c) Courts may award reasonable attorney's fees and costs to prevailing
22 plaintiffs, including plaintiffs awarded nominal damages and plaintiffs that
23 receive a preliminary injunction prior to a case being dismissed.
24 (d) Notwithstanding any provision of law to the contrary, sovereign immunity
25 and governmental immunity are hereby waived for any claim alleging a
26 violation of this section.
- 27 (5) A school official shall not be subject to discipline or retaliation for reporting, in

1 good faith, a violation of this section.

2 (6) (a) The Kentucky Department of Education shall:

3 1. By September 1, 2026, provide model policies and guidance documents
4 to assist local implementation of this section; and

5 2. By October 1, 2026, develop and provide training materials on
6 compliance with this section.

7 (b) Beginning with the 2026-2027 school year, school districts shall provide
8 training to all school officials on compliance with this section.

9 ➔Section 2. KRS 158.175 is amended to read as follows:

10 (1) As a continuation of the policy of teaching our country's history ~~[and as an~~
11 ~~affirmation of the freedom of religion in this country],~~ the board of education of a
12 local school district may authorize the recitation of ~~[the traditional Lord's prayer~~
13 ~~and]~~ the pledge of allegiance to the flag in public elementary schools. Pupil
14 participation in the recitation of the ~~[prayer and]~~ pledge of allegiance shall be
15 voluntary. ~~[Pupils shall be reminded that this Lord's prayer is the prayer our pilgrim~~
16 ~~fathers recited when they came to this country in their search for freedom. Pupils~~
17 ~~shall be informed that these exercises are not meant to influence an individual's~~
18 ~~personal religious beliefs in any manner. The exercises shall be conducted so that~~
19 ~~pupils shall learn of our great freedoms, including the freedom of religion~~
20 ~~symbolized by the recitation of the Lord's prayer.]~~

21 (2) The board of education of each school district shall establish a policy and develop
22 procedures whereby the pupils in each elementary and secondary school may
23 participate in the pledge of allegiance to the flag of the United States at the
24 commencement of each school day.

25 (3) The Kentucky Board of Education shall develop a program of instruction relating to
26 the flag of the United States of America, including instruction in etiquette, the
27 correct use and display of the flag, and other patriotic exercises as may be related.

1 This program of instruction shall be provided to each public school for use in its
 2 course of instruction. The program of instruction, at a minimum, shall include the
 3 provisions of 4 U.S.C. secs. 1 to 3 and~~[4 U.S.C. secs.]~~ 5 to 9.

4 (4) The board of education of each local school district may purchase or otherwise
 5 acquire and provide for display in each classroom copies of the Declaration of
 6 Independence, the Gettysburg Address, and other documents the local board deems
 7 significant to the history of Kentucky and the United States.}]

8 ~~(5) (a) The board of education of each local school district shall establish a policy
 9 and develop procedures whereby, at the commencement of the first class of
 10 each day in all public schools, there shall be a moment of silence or reflection
 11 of at least one (1) minute, but not to exceed two (2) minutes, in duration.~~

12 ~~(b) The policy required in paragraph (a) of this subsection shall ensure that all
 13 pupils remain seated and silent and make no distracting display so that each
 14 pupil may, in the exercise of his or her individual choice, meditate, pray, or
 15 engage in any other silent activity which does not interfere with, distract from,
 16 or impede other pupils' exercise of individual choice. The policy shall prohibit
 17 district personnel from providing instruction to any student regarding the
 18 nature of any reflection that a student may engage in during the moment of
 19 silence or reflection. The policy shall require notification be sent to parents or
 20 guardians providing information on the policy and encouraging parents and
 21 guardians to provide guidance to their pupils regarding the moment of silence
 22 or reflection.]~~

23 ➔Section 3. KRS 158.188 is amended to read as follows:

24 A teacher in a public school shall be permitted to:

25 (1) Teach about religion~~[with the use of the Bible or other scripture, but]~~ without
 26 providing religious instruction, for the secular study of:

27 (a) The history of religion;

- 1 (b) Comparative religions;
- 2 (c) The Bible as literature;
- 3 (d) The role of religion in the history of the United States and other countries; and
- 4 (e) Religious influences on art, music, literature, and social studies; and
- 5 (2) Teach about religious holidays~~[, including religious aspects,]~~ and celebrate the
- 6 secular aspects of holidays.

7 ➔Section 4. KRS 158.195 is amended to read as follows:

- 8 (1) ~~[(a) Local boards shall require each public elementary and secondary school to~~
- 9 ~~display the national motto of the United States, "In God We Trust," in a~~
- 10 ~~prominent location in the school.~~
- 11 ~~(b) The display required in paragraph (a) of this subsection may take the form of~~
- 12 ~~but is not limited to a mounted plaque or student artwork.~~
- 13 ~~(2) As used in this section, "prominent location" means a school entryway, cafeteria, or~~
- 14 ~~common area where students are likely to see an item on display.~~
- 15 ~~(3) Local boards may allow any teacher or administrator in a public school district of~~
- 16 ~~the Commonwealth to read or post in a public school building, classroom, or event~~
- 17 ~~any excerpts or portions of: ~~[the national motto,]~~ the national anthem; the pledge of~~
- 18 ~~allegiance; the preamble to the Kentucky Constitution; the Declaration of~~
- 19 ~~Independence; the Mayflower Compact; the writings, speeches, documents, and~~
- 20 ~~proclamations of the founding fathers and presidents of the United States; United~~
- 21 ~~States Supreme Court decisions; and acts of the United States Congress including~~
- 22 ~~the published text of the Congressional Record. There shall be no content-based~~
- 23 ~~ensorship of American history or heritage in the Commonwealth based on~~
- 24 ~~religious references in these writings, documents, and records.~~
- 25 (2)~~[(4)]~~ Beginning in the 2025-2026 school year, local boards shall require each
- 26 public school building that contains instructional space for students in grades six (6)
- 27 through twelve (12) to conspicuously display in a prominent location, in both

1 English and Spanish, a printed abstract of KRS 339.210 to 339.450, a list of the
2 limited or prohibited occupations for minors, and a notice stating the working hours
3 per day for each day of the week permissible for minors to work. The same
4 information or display shall also be posted on a district's or school's website.

5 ➔Section 5. The following KRS sections are repealed:

6 158.170 Bible to be read.

7 158.177 Teaching of evolution -- Right to include Bible theory of creation.

8 158.178 Ten Commandments to be displayed.

9 ➔Section 6. This Act shall be cited as the Student Secular Bill of Rights.