

1 AN ACT relating to First Amendment rights in public schools.

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) For the purposes of this section, "on duty" means those times when a school
6 district employee is:

7 (a) Required by the district to be on campus or at another designated location
8 and required to perform the scope of the employee's duties; or

9 (b) Otherwise acting as a designated representative of the school district.

10 (2) A school district shall not punish or prohibit an employee from, or punish an
11 employee for, engaging in private religious expression otherwise protected by the
12 First Amendment to the United States Constitution absent a showing that the
13 employee has engaged in actual coercion.

14 (3) While a school district employee is on duty, the employee may, at a minimum:

15 (a) Engage in religious expression and discussions and share religious
16 materials with other employees at the same time and in the same manner
17 that employees are permitted to engage in nonreligious expression and
18 discussions outside the scope of duties;

19 (b) Engage in private religious expression at a time when it is otherwise
20 permissible for an employee to engage in private expressive conduct or act
21 outside the scope of duties;

22 (c) Meet with other district employees for prayer or religious study during times
23 that the employee is allowed to act outside the scope of duties, including but
24 not limited to employee breaks, time before school, and during lunch;

25 (d) Work as a sponsor of a student religious club or organization and assist
26 students in planning meetings, activities, and events to the same extent that
27 employee sponsors of nonreligious clubs or organizations are permitted to

1 do so;

2 (e) Wear religious clothing, symbols, or jewelry, provided that such items
3 otherwise comply with any dress code implemented by the school district;

4 (f) Decorate their desk and other personal spaces with personal items that
5 reflect their religious beliefs to the same extent that other employees are
6 permitted to decorate their desk and other personal spaces with personal
7 items; and

8 (g) During noninstructional time, engage in religious expression and share
9 religious materials to the same extent that other employees may engage in
10 private expression permitted under the First Amendment to the United
11 States Constitution.

12 (4) Nothing in this section shall be construed to authorize the state or any other
13 governmental organization to:

14 (a) Require any person to participate in prayer or any other religious activity;
15 or

16 (b) Violate the constitutional rights of any person.

17 (5) This section shall not be construed to limit a school district's authority to:

18 (a) Maintain order and discipline on school property in a content-neutral and
19 viewpoint-neutral manner;

20 (b) Protect the safety of students, employees, and visitors; and

21 (c) Adopt and enforce policies and procedures regarding student speech at
22 school that respect the rights of students.