

158.183 Prohibited acts by students -- Rights of student -- Administrative remedies.

- (1) A student shall have the right to carry out an activity described in any of paragraphs (a) to (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) Subject to the provisions of subsection (1) of this section, a student shall be permitted to voluntarily:
 - (a) Pray 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, or speak on nonreligious matters alone or with other students in the public school;
 - (b) Express religious viewpoints in a public school to the same extent and under the same circumstances as a student is permitted to express viewpoints on nonreligious topics or subjects in the school;
 - (c) Speak to and attempt to discuss religious 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 viewpoints with other students. However, any student may demand that this speech or these attempts to share religious viewpoints not be directed at him or her;
 - (d) Distribute religious 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 topics or subjects in the school; and
 - (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) 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.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 294, sec. 3, effective July 15, 1998.