

OLDHAM COUNTY BOARD OF EDUCATION POLICY

RELIGIOUS FREEDOM

9041

References: KRS 158.183; First Amendment

Relates to: Policy 9029; 4080.03AR; Policy 9010.025

- I. In furtherance of the current state of the law regarding religious freedom of students, the Board's policy is to allow a student to voluntarily:
 - A. Pray or engage in religious activities in public school to the same extent and under the same circumstances as a student is permitted to reflect, meditate, speak on, or engage in non-religious matters;
 - B. Express religious or political viewpoints to the same extent and under the same circumstances as a student may express viewpoints on non-religious or non-political topics in school;
 - C. Express religious or political viewpoints in classroom, homework, artwork, and other written and oral assignments free from discrimination or penalty based on the religious or political content of the submissions;
 - D. Speak to or attempt to speak to students to discuss religious or political viewpoints with them in a public school to the same extent and under the same circumstances as a student is permitted to speak to or attempt to speak to other students to share non-religious or non-political viewpoints. However, any student may demand that this speech or these attempts to share religious or political viewpoints not be directed at him or her;
 - E. Distribute religious or political literature, 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 or non-political topics or subjects in the school; and
 - F. Display religious messages on items of clothing to the same extent that a student is permitted to display nonreligious messages on items of clothing;
 - G. Access public secondary school facilities during non-instructional time as a member of a religious student organization for activities that may include 19 prayer, Bible reading, or other worship exercises to the same extent that members of nonreligious student organizations are permitted access during noninstructional time;
 - H. Use school media, including the public address system, the school newspaper, and school bulletin boards, to announce student religious meetings to the same extent that a student is permitted to use school media to announce student nonreligious meetings; and
 - I. Meet as a member of a religious student group during non-instructional time in the school day to the same extent that members of nonreligious 1 student groups are permitted to meet, including before and after the school day; and
 - J. Be absent, in accordance with attendance policy, from 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 school for non-religious purposes; so long as the student does not
 - (i) infringe on the rights of the school to (a) maintain order and discipline, (b) prevent disruption of the educational process or (c) determine educational curriculum and assignments;
 - (ii) harass other persons or coerce other persons to participate in the activity or repeat attempts to speak to other student(s) once that student has expressed a desire to not be subjected to the religious speech or viewpoint; or
 - (iii) otherwise infringe on the rights of other persons.
- II. Consistent with its obligations to respect the rights secured by the Constitutions of the United States of America and the Commonwealth of Kentucky, the Board of Education shall ensure that:
 - A. The selection of students to speak at official events is made without regard to the religious or political viewpoint of the student speaker;
 - B. The prepared remarks of the student are not altered before delivery, except in a viewpoint-neutral manner, unless requested by the student. However, student speakers shall not engage in speech that is obscene, vulgar, offensively lewd, or indecent; and
 - C. If the content of the student's speech is such that a reasonable observer may perceive affirmative school sponsorship or endorsement of the student speaker's religious or political viewpoint, the school shall communicate, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the school;
 - D. Religious and political organizations are allowed equal access to public forums on the same basis as nonreligious and nonpolitical organizations; and

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- E. No recognized religious or political student organization is hindered or discriminated against in the ordering of its internal affairs, selection of leaders and members, defining of doctrines and principles, and resolving of organizational disputes in the furtherance of its mission, or in its determination that only persons committed to its mission should conduct these activities.
- III. The Board of Education shall permit public schools in the district to sponsor artistic or theatrical programs that advance students' knowledge of society's cultural and religious heritage, as well as provide opportunities for students to study and perform a wide range of music, literature, poetry, and drama, as long as such programs are consistent with its obligations under the Kentucky and United States Constitutions.
- IV. In the event a student feels as though his or her rights under this policy are being denied, the student may state the circumstances surrounding the alleged denial in writing to the Principal who shall review the complaint and render a decision within seven (7) days of the date of the written complaint. If the student is unsatisfied with the resolution by the Principal, the student may appeal to the Superintendent, who shall review the complaint and the Principal's response and render a decision within thirty (30) days of the date of the written complaint. The student has the right to file a final appeal with the Board of Education if the student is not satisfied with the decision rendered by the Superintendent. The Board will review the documentation during executive session of the next regularly scheduled board meeting following receipt of the appeal and render a decision in public session of that meeting. The student must exhaust all of the above administrative remedies before filing a civil suit.
- V. This policy does not permit school employees to lead, direct or encourage any religious or anti-religious activity in violation of the First Amendment of the United States Constitution.