

158.181 Legislative findings.

- (1) The General Assembly finds the following:
 - (a) Judicial decisions concerning religion, free speech, and public education are widely misunderstood and misapplied;
 - (b) Confusion surrounding these decisions has caused some to be less accommodating of the religious liberty and free speech rights of students than permitted under the First Amendment to the United States Constitution;
 - (c) Confusion surrounding these decisions has resulted in needless conflicts and litigation;
 - (d) The Supreme Court of the United States has ruled that the establishment clause of the First Amendment to the United States Constitution requires that public schools neither advance or inhibit religion. Public schools should be neutral in matters of faith and should treat religion with fairness and respect;
 - (e) Neutrality to religion does not require hostility to religion. The establishment clause does not prohibit reasonable accommodation of religion, nor does the clause prohibit appropriate teaching about religion;
 - (f) Accommodation of religion is required by the free speech and free exercise clauses of the First Amendment to the United States Constitution; and
 - (g) Setting forth the religious liberty rights of students in a statute would assist students and parents in the enforcement of the religious liberty rights of students and would provide impetus to efforts in public schools to accommodate religious belief in feasible cases.
- (2) The purpose of KRS 158.181 to 158.187 is to create a safe harbor for schools desiring to avoid litigation and to allow the free speech and religious liberty rights of students to the extent permissible under the establishment clause.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 294, sec. 1, effective July 15, 1998.