

# The Bill of Rights

Ratified December 15, 1791

## Article I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

## Article II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

## Article III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

## Article IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## Article V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be

deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## Article VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

## Article VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

## Article VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

## Article IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## Article X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

*A reminder to be ever vigilant in the protection of these rights  
Presented in loving memory of Carliss Lument 1902-1995*

National Emergency Civil Liberties Committee  
New York, NY 10010

**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.

**158.182 Definitions for KRS 158.181 to 158.187.**

As used in KRS 158.181 to 158.187, unless the context requires otherwise:

- (1) "Establishment clause" means the portion of the First Amendment to the United States Constitution that forbids laws respecting an establishment of religion;
- (2) "Free exercise clause" means the portion of the First Amendment to the United States Constitution that forbids laws prohibiting the free exercise of religion;
- (3) "Free speech clause" means the portion of the First Amendment to the United States Constitution that forbids laws abridging the freedom of speech;
- (4) "Public school" means any school that is operated by the state, a political subdivision of the state, or a governmental agency within the state; and
- (5) "Student" means an individual attending a public school.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 294, sec. 2, effective July 15, 1998.

**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

**158.184 Construction favoring establishment clause, religious liberty, and free speech.**

- (1) Nothing in KRS 158.181 to 158.187 shall be construed to affect, interpret, or in any way address the establishment clause.
- (2) The specification of religious liberty or free speech rights in KRS 158.181 to 158.187 shall not be construed to exclude or limit religious liberty or free speech rights otherwise protected by federal, state, or local law.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 294, sec. 4, effective July 15, 1998.

**158.185 Construction prohibiting school employee from leading, directing, or encouraging religious or anti-religious activity in violation of establishment clause.**

Nothing in KRS 158.181 to 158.187 shall be construed to support, encourage, or permit a teacher, administrator, or other employee of the public schools to lead, direct, or encourage any religious or anti-religious activity in violation of the portion of the First Amendment of the United States Constitution prohibiting laws respecting an establishment of religion.

**Effective:** July 15, 1998

**History:** Created 1998 Ky. Acts ch. 294, sec. 5, effective July 15, 1998.

**158.186 Copies of law to local school board and school-based decision making council.**

The Department of Education shall send copies of KRS 158.181 to 158.187 to each local school board and school-based decision making council in Kentucky on an annual basis.

**Effective:** July 15, 1998

**History:** Created 1998 Ky. Acts ch. 294, sec. 6, effective July 15, 1998.

**158.187 Short title for KRS 158.181 to 158.187.**

KRS 158.181 to 158.187 may be cited as the Nicole Hadley, Jessica James, and Kayce Steger Act.

**Effective:** July 15, 1998

**History:** Created 1998 Ky. Acts ch. 294, sec. 7, effective July 15, 1998.