

Senate File 2231

H-8268

1 Amend Senate File 2231, as passed by the Senate, as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 256.9, Code 2026, is amended by adding
4 the following new subsections:

5 NEW SUBSECTION. 80. *a.* Annually distribute, both
6 electronically and by regular mail, the most recent version of
7 the United States department of education's guidance related to
8 constitutionally protected prayer and religious expression in
9 public elementary and secondary schools to all of the following
10 individuals:

11 (1) Each member of the board of directors of each school
12 district.

13 (2) Each member of the governing board of each charter
14 school established pursuant to chapter 256E.

15 (3) Each superintendent employed by each school district.

16 (4) Each principal employed by each school district.

17 (5) Each principal employed by each charter school
18 established pursuant to chapter 256E.

19 (6) Each principal employed by each charter school or
20 innovation zone school established pursuant to chapter 256F.

21 (7) Each teacher employed by each school district.

22 (8) Each teacher employed by each charter school
23 established pursuant to chapter 256E.

24 (9) Each teacher employed by each charter school or
25 innovation zone school established pursuant to chapter 256F.

26 *b.* Publish on the department's internet site a link to
27 the most recent version of the United States department of
28 education's guidance related to constitutionally protected
29 prayer and religious expression in public elementary and
30 secondary schools.

31 *c.* Develop and distribute to school districts, charter
32 schools established pursuant to chapter 256E, and charter
33 schools and innovation zone schools established pursuant to
34 chapter 256F a professional development training program
35 regarding constitutionally protected prayer and religious

1 expression in public elementary and secondary schools.

2 NEW SUBSECTION. 81. Develop and distribute to school
3 districts, charter schools established pursuant to chapter
4 256E, and charter schools and innovation zone schools
5 established pursuant to chapter 256F a model policy that, if
6 adopted by a school district, charter school, or innovation
7 zone school, would satisfy the school district's, charter
8 school's, or innovation zone school's responsibilities under
9 section 279.89, subsection 4, paragraph "c", relating to
10 the adoption of policies to ensure compliance with federal
11 religious expression standards.>

12 2. Page 2, before line 10 by inserting:

13 <Sec. _____. Section 256E.7, subsection 2, Code 2026, is
14 amended by adding the following new paragraph:

15 NEW PARAGRAPH. *Os.* Be subject to and comply with the
16 requirements of section 279.89 relating to protected speech or
17 expression in the same manner as a school district.

18 Sec. _____. Section 256F.4, subsection 2, Code 2026, is
19 amended by adding the following new paragraph:

20 NEW PARAGRAPH. *Oq.* Be subject to and comply with the
21 requirements of section 279.89 relating to protected speech or
22 expression in the same manner as a school district.>

23 3. Page 4, before line 20 by inserting:

24 <Sec. _____. NEW SECTION. **279.89 Protected speech and**
25 **expression — prohibitions — enforcement.**

26 1. A school district shall not discriminate against or
27 penalize a student enrolled in the school district for doing
28 any of the following:

29 *a.* Engaging in religious, political, or ideological speech
30 in the same time, place, and manner, and to the same extent,
31 that other similarly situated students are authorized to engage
32 in speech at school.

33 *b.* Expressing a religious, political, or ideological
34 viewpoint in the same time, place, and manner, and to the same
35 extent, that other similarly situated students are authorized

1 to express views at school.

2 2. A school district shall allow a student who is enrolled
3 in the school district to engage in protected speech or
4 expression at school, which includes but is not limited to all
5 of the following activities:

6 a. Expressing a religious, political, or ideological
7 viewpoint on the topic or subject of discussion or study during
8 class.

9 b. Expressing religious, political, or ideological
10 viewpoints in a homework assignment, artwork, presentation, or
11 other written or oral assignments, without being discriminated
12 against or the imposition of an academic penalty based on the
13 religious, political, or ideological content of the student's
14 expressions; provided, however, that a school district shall
15 assess a student's written and oral assignments using ordinary
16 academic standards of substance and relevance and other
17 legitimate pedagogical concerns identified by the school
18 district.

19 c. Organizing religious, political, or ideological
20 gatherings or clubs before, during, or after school to the same
21 extent, and with the same access to school facilities, as the
22 school district grants to other student-initiated gatherings
23 and clubs.

24 d. Wearing clothing, accessories, and jewelry that display
25 religious, political, or ideological messages or symbols in the
26 same manner, and to the same extent, as the school district
27 permits other students to wear clothing, accessories, and
28 jewelry that display messages and symbols.

29 3. A school district shall not discriminate against a club
30 organized by a student enrolled in the school district because
31 of any of the following:

32 a. The religious, political, or ideological viewpoints
33 expressed by the club.

34 b. The religious, political, or ideological viewpoints
35 expressed by students who are members of the club.

1 *c.* Any requirement that the leaders or members of the club
2 affirm or adhere to any particular beliefs, comply with the
3 club's standards of conduct, or further the club's mission or
4 purpose, as defined by the club.

5 4. Each school district shall do all of the following:

6 *a.* Annually notify each employee of the school district of
7 the availability of the United States department of education's
8 guidance related to constitutionally protected prayer and
9 religious expression in public elementary and secondary
10 schools.

11 *b.* Offer professional development opportunities to each
12 employee of the school district regarding constitutionally
13 protected prayer and religious expression in public elementary
14 and secondary schools to ensure understanding and compliance.

15 *c.* (1) Adopt a policy that ensures the school district
16 complies with federal religious expression standards.

17 (2) Annually certify to the department of education that the
18 school district is in compliance with the policy described in
19 subparagraph (1).

20 5. *a.* Any individual or club organized by a student
21 alleging a violation of subsection 1, 2, 3, or 4 by a school
22 district may bring a civil action for declaratory relief,
23 injunctive relief, monetary damages, reasonable attorney fees,
24 court costs, and any other appropriate relief against the
25 school district.

26 *b.* A court shall assess a civil penalty of not less than
27 five thousand dollars against a school district that fails
28 to comply with subsection 1, 2, 3, or 4, in addition to any
29 monetary damages awarded pursuant to paragraph "a". The
30 civil penalty is payable to the prevailing individual or club
31 organized by a student.

32 *c.* Any individual or club organized by a student aggrieved
33 by a school district's violation of subsection 1, 2, 3, or
34 4 may assert such violation as a defense or counterclaim in
35 any disciplinary action, civil proceeding, or administrative

1 proceeding that is brought against the individual or club.

2 *d.* This subsection shall not be construed to limit any other
3 remedies available to any individual or club organized by a
4 student alleging a violation of subsection 1, 2, 3, or 4 by a
5 school district.

6 *e.* A civil action brought under this subsection is barred
7 unless the action is commenced not later than two years
8 after the day the cause of action accrues. For purposes
9 of calculating this limitations period, each day that the
10 violation persists, including each day that a policy in
11 violation of subsection 4, paragraph "c", remains in effect,
12 shall constitute a new day that the cause of action has
13 accrued.

14 6. *a.* This section constitutes a waiver of any sovereign
15 immunity provided to school districts under the eleventh
16 amendment to the Constitution of the United States.

17 *b.* A school district that violates subsection 1, 2, 3, or
18 4 is not immune from suit or liability for such violation and
19 consents to suit in federal court for any actions arising under
20 this section.

21 7. This section shall not be construed to prevent a school
22 district from prohibiting, limiting, or restricting any of the
23 following:

24 *a.* Expression that is not protected under the first
25 amendment to the Constitution of the United States, including
26 true threats, obscenity, and expression that is directed to
27 provoke imminent lawless actions and likely to produce such
28 actions.

29 *b.* Expression that is unwelcome, and so severe, pervasive,
30 and subjectively and objectively offensive, that the
31 expression effectively denies a student access to educational
32 opportunities or benefits provided by the school district.

33 *c.* Conduct that intentionally, materially, and substantially
34 disrupts any of the following:

35 (1) The operations of the school district.

1 (2) The expressive activity of another individual if that
2 activity is occurring on school district property in an area
3 reserved for that activity under the exclusive use or control
4 of a particular student, group of students, or a club organized
5 by a student.>

6 4. Title page, by striking lines 1 through 4 and inserting
7 <An Act relating to education, including by modifying
8 provisions related to the protected speech and expression
9 rights of students, modifying provisions related to the duties
10 of the department of education, and modifying eligibility and
11 participation requirements for certain education programs,
12 preschool programs, and tax provisions, providing civil
13 penalties, and including retroactive applicability provisions.>

14 5. By renumbering as necessary.

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