

House Amendment to  
Senate File 2231

S-5177

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 the most recent  
6 version of the United States department of education's guidance  
7 related to constitutionally protected prayer and religious  
8 expression in public elementary and secondary schools to all  
9 of the following individuals:

10 (1) Each superintendent employed by each school district.

11 (2) Each principal employed by each charter school

12 established pursuant to chapter 256E.

13 *b.* Each superintendent employed by a school district that  
14 receives the electronic communication containing the most  
15 recent version of the United States department of education's  
16 guidance related to constitutionally protected prayer and  
17 religious expression in public elementary and secondary schools  
18 shall distribute the guidance to each member of the board of  
19 directors of the school district, each principal employed by  
20 the school district, and each teacher employed by the school  
21 district.

22 *c.* Each principal or head of a charter school employed by a  
23 charter school established under chapter 256E that receives the  
24 electronic communication containing the most recent version of  
25 the United States department of education's guidance related to  
26 constitutionally protected prayer and religious expression in  
27 public elementary and secondary schools shall distribute the  
28 guidance to each member of the governing board of the charter  
29 school and each teacher employed by the charter school.

30 *d.* Publish on the department's internet site a link to  
31 the most recent version of the United States department of  
32 education's guidance related to constitutionally protected  
33 prayer and religious expression in public elementary and  
34 secondary schools.

35 *e.* Develop and distribute to school districts, charter

1 schools established pursuant to chapter 256E, and charter  
2 schools and innovation zone schools established pursuant to  
3 chapter 256F a professional development training program  
4 regarding constitutionally protected prayer and religious  
5 expression in public elementary and secondary schools.

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

16 2. Page 1, line 15, after <program.> by inserting <A  
17 community-based provider participating in the statewide  
18 voluntary preschool program pursuant to this paragraph shall  
19 comply with the requirements of subsections 2 and 3 under the  
20 authority of the local school district.>

21 3. Page 2, before line 10 by inserting:

22 <Sec. \_\_\_\_ . Section 256E.7, subsection 2, Code 2026, is  
23 amended by adding the following new paragraph:

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

27 Sec. \_\_\_\_ . Section 256F.4, subsection 2, Code 2026, is  
28 amended by adding the following new paragraph:

29 NEW PARAGRAPH. *Og.* Be subject to and comply with the  
30 requirements of section 279.89 relating to protected speech or  
31 expression in the same manner as a school district.>

32 4. Page 4, before line 20 by inserting:

33 <Sec. \_\_\_\_ . NEW SECTION. **279.89 Protected speech and**  
34 **expression — prohibitions — enforcement.**

35 1. A school district shall not discriminate against or

1 penalize a student enrolled in the school district for doing  
2 any of the following:

3     *a.* Engaging in religious, political, or ideological speech  
4 in the same time, place, and manner, and to the same extent,  
5 that other similarly situated students are authorized to engage  
6 in speech at school.

7     *b.* Expressing a religious, political, or ideological  
8 viewpoint in the same time, place, and manner, and to the same  
9 extent, that other similarly situated students are authorized  
10 to express views at school.

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

15     *a.* Expressing a religious, political, or ideological  
16 viewpoint on the topic or subject of discussion or study during  
17 class.

18     *b.* Expressing religious, political, or ideological  
19 viewpoints in a homework assignment, artwork, presentation, or  
20 other written or oral assignments, without being discriminated  
21 against or the imposition of an academic penalty based on the  
22 religious, political, or ideological content of the student's  
23 expressions; provided, however, that a school district shall  
24 assess a student's written and oral assignments using ordinary  
25 academic standards of substance and relevance and other  
26 legitimate pedagogical concerns identified by the school  
27 district.

28     *c.* Organizing religious, political, or ideological  
29 gatherings or clubs before, during, or after school to the same  
30 extent, and with the same access to school facilities, as the  
31 school district grants to other student-initiated gatherings  
32 and clubs.

33     *d.* Wearing clothing, accessories, and jewelry that display  
34 religious, political, or ideological messages or symbols in the  
35 same manner, and to the same extent, as the school district

1 permits other students to wear clothing, accessories, and  
2 jewelry that display messages and symbols.

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

6 a. The religious, political, or ideological viewpoints  
7 expressed by the club.

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

10 c. Any requirement that the leaders or members of the club  
11 affirm or adhere to any particular beliefs, comply with the  
12 club's standards of conduct, or further the club's mission or  
13 purpose, as defined by the club.

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

15 a. Annually notify each employee of the school district of  
16 the availability of the United States department of education's  
17 guidance related to constitutionally protected prayer and  
18 religious expression in public elementary and secondary  
19 schools.

20 b. Offer professional development opportunities to each  
21 employee of the school district regarding constitutionally  
22 protected prayer and religious expression in public elementary  
23 and secondary schools to ensure understanding and compliance.

24 c. (1) Adopt a policy that ensures the school district  
25 complies with federal religious expression standards.

26 (2) Annually certify to the department of education that the  
27 school district is in compliance with the policy described in  
28 subparagraph (1).

29 5. a. Any individual or club organized by a student  
30 alleging a violation of subsection 1, 2, 3, or 4 by a school  
31 district may bring a civil action for declaratory relief,  
32 injunctive relief, monetary damages, reasonable attorney fees,  
33 court costs, and any other appropriate relief against the  
34 school district.

35 b. A court shall assess a civil penalty of not less than

1 five thousand dollars against a school district that fails  
2 to comply with subsection 1, 2, 3, or 4, in addition to any  
3 monetary damages awarded pursuant to paragraph "a". The  
4 civil penalty is payable to the prevailing individual or club  
5 organized by a student.

6 c. Any individual or club organized by a student aggrieved  
7 by a school district's violation of subsection 1, 2, 3, or  
8 4 may assert such violation as a defense or counterclaim in  
9 any disciplinary action, civil proceeding, or administrative  
10 proceeding that is brought against the individual or club.

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

15 e. A civil action brought under this subsection is barred  
16 unless the action is commenced not later than two years  
17 after the day the cause of action accrues. For purposes  
18 of calculating this limitations period, each day that the  
19 violation persists, including each day that a policy in  
20 violation of subsection 4, paragraph "c", remains in effect,  
21 shall constitute a new day that the cause of action has  
22 accrued.

23 6. a. This section constitutes a waiver of any sovereign  
24 immunity provided to school districts under the eleventh  
25 amendment to the Constitution of the United States.

26 b. A school district that violates subsection 1, 2, 3, or  
27 4 is not immune from suit or liability for such violation and  
28 consents to suit in federal court for any actions arising under  
29 this section.

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

33 a. Expression that is not protected under the first  
34 amendment to the Constitution of the United States, including  
35 true threats, obscenity, and expression that is directed to

1 provoke imminent lawless actions and likely to produce such  
2 actions.

3 *b.* Expression that is unwelcome, and so severe, pervasive,  
4 and subjectively and objectively offensive, that the  
5 expression effectively denies a student access to educational  
6 opportunities or benefits provided by the school district.

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

9 (1) The operations of the school district.

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

15 5. Title page, by striking lines 1 through 4 and inserting  
16 <An Act relating to education, including by modifying  
17 provisions related to the protected speech and expression  
18 rights of students, modifying provisions related to the duties  
19 of the department of education, and modifying eligibility and  
20 participation requirements for certain education programs,  
21 preschool programs, and tax provisions, providing civil  
22 penalties, and including retroactive applicability provisions.>

23 6. By renumbering as necessary.