KEEP PROSELYTIZING OUT OF PUBLIC SCHOOLS (KPOP) ACT

PROTECTING EVERY STUDENT'S FREEDOM OF CONSCIENCE

Keeping proselytizing out of public schools — and keeping families in charge of kids' religious upbringing

Every child deserves to learn in a public school where they feel safe, welcome and respected — regardless of their religious or nonreligious viewpoints. For decades, U.S. Supreme Court rulings protected students from religious indoctrination or pressure in classrooms or at school events. But today, long-settled protections are being challenged, weakened or ignored. Families, students, teachers and administrators are left confused about their rights and what's allowed.

The KPOP Act changes that.
The KPOP Act bill takes existing Supreme Court precedent and codifies their protections directly into state law through a secular bill of rights, creating durable safeguards that preserve every child's freedom of conscience.

This is not new law.
It simply reinforces what the Constitution has long required: Public schools must remain neutral on religion so families can guide their own children's religious upbringing.

ffrf ACTION FUND

THE PROBLEM

Right now, students and schools are facing real challenges:

Kids are being put in uncomfortable and sometimes coercive situations.
Students from minority religions — and students with no religious beliefs — may be pressured to join in religious activities they don't share.

Families are losing control over their child's religious education.
Some school officials promote particular faith beliefs, even unintentionally, pulling religion into a place it doesn't belong.

Teachers and administrators are stuck guessing.
Confusing or conflicting guidance leaves educators vulnerable to lawsuits and community backlash, even when trying to do the right thing.

Rights that once seemed settled are suddenly fragile.
We've seen how quickly the Supreme Court can overturn precedent. We can't leave students' freedoms to chance.

No child should have to choose between **fitting in** and **following their conscience**.

THE SOLUTION

The KPOP Act takes long-established Supreme Court rulings and writes them into state law, creating durable protections that do not depend on shifting federal courts.

Key protections include:

- No school-sponsored prayer or bible reading (Engel v. Vitale, 1962; Schempp v. Abington, 1963).
- No school-sponsored prayer at graduations or other school events, such as football games (Lee v. Weisman, 1992; Santa Fe v. Doe, 2000).
- No school-sponsored religious displays (Stone v. Graham, 1980).
- No religious instruction disguised as science (Edwards v. Aguillard, 1987).
- Protection for personal religious expression and reasonable accommodations.

This is a commonsense, bipartisan affirmation of one of America's oldest promises:
Government stays neutral in matters of religion.

That neutrality is what protects *everyone* — Christians, Jews, Muslims, Hindus, Buddhists, Sikhs, atheists, agnostics — every family regardless of religious identification.

HOW TO USE THIS TOOLKIT:

This toolkit is designed to support FFRF Action Fund advocates in conversations with:

- State legislators.
- Local officials and school board members.
- Community leaders.
- Media and reporters.
- Friends and neighbors.

Here's what you'll find below:

- **Key messages & talking points** — for conversations with lawmakers.
- **Responding to misinformation** — for difficult conversations or social media.
- **Values framework** — for storytelling, testimonies, and op-eds.
- **FAQs** — for clarity and confidence.
- **Social media language** — for rapid amplification.
- **Scripts & templates** — for calls, emails, LTEs and public testimony.

Use these components individually or as a whole. Everything here is built to be copied, pasted, and deployed immediately.

The KPOP Act

Codifying Supreme Court precedent to protect every student's freedom of conscience

WHAT THIS BILL DOES

- **Protects every student's freedom of conscience**
  Kids can practice their faith (or no faith) without pressure from school staff.
- **Keeps religion where it belongs: with families, not government employees**
  Teachers teach. Families guide religious belief.
- **Ensures classrooms stay focused on education**
  Science class teaches science — not creationism.
  History class teaches history — not religious doctrine.
  Assemblies stay secular and welcoming for all students.
- **Prevents school-sponsored prayer or religious displays**
  Public schools can't take sides in religion or make any child feel like an outsider.
- **Protects personal religious expression**
  Students can pray privately, wear religious items or form religious clubs — all fully protected.
- **Gives educators clarity**
  Clear guidelines mean fewer lawsuits, fewer landmines and more time for learning.

WHAT THIS BILL *DOES NOT* DO

- Does *not* ban student prayer.
- Does *not* ban religious clubs.
- Does *not* ban wearing religious clothing or symbols.
- Does *not* restrict private expression of faith.
- Does *not* target religion.
- Does *not* limit teachers' personal beliefs.
- This bill protects religion *by keeping government out of it*.

ENFORCEMENT WITH TEETH

- Local grievance process with deadlines (7/30/40 days).
- Private right of action with attorney's fees for prevailing plaintiffs.
- Whistleblower protection for teachers and staff.

Without clear rules, schools face confusion and costly lawsuits from both sides.

KEY MESSAGING

"The KPOP Act protects every student's freedom of conscience by ensuring public schools remain neutral on religion, welcoming students of all faiths and none."

VALUES FRAMEWORK

- **Freedom:** Kids should learn without pressure to conform to someone else's religious beliefs. Protects fundamental constitutional rights.
- **Fairness:** No student should feel like an outsider because of what they believe or don't believe. Ensures equal treatment for all students regardless of belief.
- **Family:** Parents — not government-paid school staff — guide their children's religious education.
- **Fiscal Responsibility:** Clear, settled rules mean fewer lawsuits and less money wasted on avoidable legal battles. Reduces costly litigation.

Supporter talking points & response guidance

FOR SUPPORTERS

1. "This protects ALL students: Christian, Jewish, Muslim, Hindu, Sikh, Buddhist, atheist, and everyone else."
2. "The KPOP Act simply puts 60+ years of Supreme Court precedent into state law."
3. This is not new policy. It's reaffirming longstanding constitutional rules.
4. "Neutrality protects religious freedom — it doesn't restrict it."
5. "Clear rules protect educators and reduce lawsuits."
6. "Families, not government employees, should guide their children's religious upbringing."

ADDRESSING CONCERNS

"This attacks religion!"

- No, it protects religious freedom by ensuring the government doesn't favor one faith over others or pressure kids into participating.
- Private prayer, student-initiated clubs, religious clothing and personal expression remain fully protected.

"Schools need moral guidance!"

- Schools already teach civic values like kindness, integrity, honesty and respect without religious doctrine.
- Families and faith communities are the proper place for religious instruction.

"This goes too far!"

- Every provision is based on existing Supreme Court precedent.
- The bill explicitly protects personal religious expression and reasonable accommodations.

"Why now?"

- Because federal courts are shifting, and protections we've relied on for decades may not hold. States need to step up to protect their kids.

THE BOTTOM LINE FOR ADVOCATES

The KPOP Act is:

- Pro-family.
- Pro-freedom.
- Pro-fairness.
- Pro-education.
- Pro-neutrality.

It preserves the best traditions of American public education: **schools where every child belongs and every family's beliefs (or nonbeliefs) are respected.**

KPOP Act: Frequently asked questions

Ensuring fairness, freedom and neutrality in public schools

Q: What is the KPOP Act?
A: The KPOP Act, Keeping Proselytizing Out of Public Schools, is a model state bill that codifies key U.S. Supreme Court rulings protecting students' rights to a secular education, free from religious coercion or indoctrination.

Q: Why is the KPOP Act needed now?
A: Recent court decisions and political efforts have weakened longstanding protections separating church and state. The KPOP Act ensures that, regardless of federal court shifts, students' constitutional rights are firmly protected in state law.

Q: What does the KPOP Act do?
A: It guarantees that students in public schools are not pressured or compelled to participate in prayer, worship or religious instruction. It also provides clear guidelines for teachers and administrators to follow, ensuring that students feel welcome to learn in an inclusive environment.

Q: Does the KPOP Act ban religion in schools?
A: No. Students and staff remain free to pray or express their religious beliefs privately, free from compulsion or coercion. The Act simply prevents school officials from promoting or organizing religious activities, or from displaying religious iconography, in their official capacity.

Q: How does the KPOP Act protect students of all faiths, and none?
A: By ensuring public schools remain neutral on matters of religion, it safeguards the rights of every student, whether they are religious or nonreligious, to learn without religious favoritism or coercion.

Q: Which Supreme Court decisions does the KPOP Act codify?
A: The legislation is based on landmark rulings such as McCollum v. Board of Education (1948), Engel v. Vitale (1962), Abington v. Schempp (1963), Lee v. Weisman (1992) and Santa Fe Independent School District v. Doe (2000), which collectively ensure that students are not subjected to government-sponsored prayer and religious exercises in public schools.

Q: How would the KPOP Act be enforced?
A: The bill establishes a simple, local enforcement process so that families can resolve violations quickly without needing to file costly federal lawsuits. The bill will include a local grievance process with deadlines (7/30/40 days) and a pathway to private right of action with attorney's fees for prevailing plaintiffs. Plus, it will contain whistleblower protections for teachers and staff.

Q: How does this bill help teachers and school administrators?
A: Educators, civil-liberties advocates and organizations espousing religious freedom support it as a common-sense measure to uphold constitutional principles and protect children from religious coercion in public education. It provides bright-line clarity on what is constitutionally permissible, protecting school staff from legal risk and helping them focus on their educational mission instead of navigating unclear, divisive religious boundaries.

Q: How can I help get the KPOP Act passed in my state?
A: You can contact your state legislators to urge them to sponsor the KPOP Act by filling out our editable Action Alert form. You can also share information about the bill and the issues it seeks to address in your community. Make your voice heard!

[HOUSE BILL] / [SENATE BILL] ###

[BILL NO.] - AS INTRODUCED 20_____SESSION

AN ACT establishing the KPOP Act.
SPONSORS: [...]
COMMITTEE: [...]

ANALYSIS

This bill establishes a bill of rights protecting public school students' freedom of conscience and protecting the constitutional separation of religion from government. This bill codifies selected U.S. Supreme Court rulings on religious and secular protections to preserve the fundamental right to a secular public school system.

[STATE]/[COMMONWEALTH] OF [...]

In the year Two Thousand Twenty [...]

AN ACT establishing the KPOP Act.

Be it Enacted:

Section 1: Title. This Act shall be known and may be cited as the Keep Proselytizing Out of Public Schools (KPOP) Act

Section 2: Declaration of Purpose.

WHEREAS, the separation of religion and government is a cornerstone of American jurisprudence, recognized foremost in the First Amendment to the Constitution of the United States and in all 50 of the states' constitutions; AND

WHEREAS, protecting religious freedom and conscience rights serves students of all faiths and none, ensuring that no student is compelled to participate in religious exercises against their beliefs or nonbeliefs; AND

WHEREAS, in 1802, President Thomas Jefferson, an original supporter of the First Amendment alongside primary author James Madison, described the First Amendment as "building a wall of separation between church and state"; AND

WHEREAS, the Supreme Court of the United States declared in the 1947 case Everson v. Board of Education that "The First Amendment has erected a wall between church and state. That wall must be kept high and impregnable. We could not approve the slightest breach"; AND

WHEREAS, the Supreme Court of the United States declared in the same case that the Establishment Clause means "at least" the following: "Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. ... No tax in any amount, large or small, can be levied to support any religious activities or institutions. ... Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups, and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between Church and State'"; AND

WHEREAS, Democrats and Republicans alike, united in dedication to America's founding principles, have recognized the indispensable principle of separation between church and state, with President Reagan saying in 1984 that, "We establish no religion in this country. We command no worship. We mandate no belief, nor will we ever. Church and state are and must remain separate"; AND

WHEREAS, all persons have the fundamental and inalienable right to worship, or not, according to the dictates of their own conscience free from governmental influence or interference, so long as their practices do not excuse acts of lawlessness, or justify practices inconsistent with the order, peace or safety of the state, or the rights of others; AND

WHEREAS, the Supreme Court of the United States held in the 1948 decision, McCollum v. Board of Education, that a "released time" program in public schools, where religious instruction was provided by outside teachers during school hours, violated the Establishment Clause because using public school facilities and resources to "aid any or all religious faiths or sects in the dissemination of their doctrines and ideals" constituted an unconstitutional endorsement of religion; AND

WHEREAS, the Supreme Court of the United States held in the 1962 decision, Engel v. Vitale, that prayer composed by the state and recited over the intercom in public schools violates the U.S. Constitution's Establishment Clause; AND

WHEREAS, the Supreme Court of the United States held in the 1968 decision, Epperson v. Arkansas, that a state law prohibiting the teaching of evolution in public schools violated the Establishment Clause of the First Amendment because the law was enacted to advance a particular religious viewpoint, constituting government endorsement of religion; AND

WHEREAS, the Supreme Court of the United States held in the 1980 decision, Stone v. Graham, that a law requiring the posting of privately funded Ten Commandments displays in public school classrooms violated the Establishment Clause because the "preeminent purpose for posting the Ten Commandments on schoolroom walls is plainly religious in nature"; AND

WHEREAS, the Supreme Court of the United States held in the 1987 decision, Edwards v. Aguillard, that a Louisiana law prohibiting the teaching of evolution unless accompanied by instruction in "creation science" was unconstitutional because the "preeminent purpose of the Louisiana Legislature was clearly to advance the religious viewpoint that a supernatural being created humankind," while an offered secular purpose for the law was "a sham"; AND

WHEREAS, the Supreme Court of the United States held in the 1992 decision, Lee v. Weisman, that public schools cannot provide even nonsectarian prayer at public school events, that "preservation and transmission of religious beliefs and worship is a responsibility and choice committed to the private sphere," and that it was not a remedy to simply say that students could avoid the prayer by foregoing their own graduation; AND

WHEREAS, the Supreme Court of the United States held in the 2000 decision, Santa Fe Independent School District v. Doe, that school-sponsored prayer at a public school event violates the U.S. Constitution by sending the message to nonbelievers that "they are outsiders, not full members of the political community," even when those prayers are student-led; AND

WHEREAS, these rulings by the Supreme Court of the United States are in danger of being overturned or otherwise eroded by future rulings; AND

WHEREAS, the protection of religious and academic freedom in public schools must be strengthened through statutory protections to preserve the integrity of public education and ensure all students may exercise their fundamental rights; AND

WHEREAS, the Constitution of the [state]/[commonwealth] of [...] provides a vehicle for protecting these rights at the state level; AND

WHEREAS, it is the state's inherent duty as sovereign to guarantee the rights of its people; NOW BE IT THEREFORE

RESOLVED, that the [state]/[commonwealth] of [...] adopts this Keep Proselytizing Out of Public Schools (KPOP) Act.

Section 3. Definitions.

For purposes of this Act, and in construing these definitions, the singular shall include the plural and the plural shall include the singular:

“Academic study of religion” means objective, educational examination of religious traditions, texts, history or practices for secular scholarly purposes, conducted in a manner that neither promotes nor denigrates any particular religious belief or nonbelief.

“Club” means a noncurricular student group recognized by the school district and that qualifies through the safe-haven provisions (20 U.S.C. § 4071(c)) for protection under the Equal Access Act.

“Coerce” means exerting direct or indirect pressure, whether through official policy, practice, or conduct, that would compel a reasonable student to participate in or refrain from religious exercise against their conscience. “Endorsement” means a governmental practice that a reasonable observer would view as government approval, favor or disapproval of religion or particular religious beliefs.

“Nonparticipatory capacity” means presence at a student religious club meeting or event solely for supervisory purposes, as defined in the Equal Access Act, without lecturing, proselytizing, praying, preaching, planning religious events or otherwise engaging in religious activities.

“Official capacity” means when a person is:

1. Performing official duties or furthering the work of a school district or school board; or
2. Acting under or with power or authority granted by virtue of employment by or association with a school district or school board.

“Prayer” means a communication, either spoken or written, directed toward a deity, deities or other supernatural or spiritual force, including but not limited to a benediction, invocation, chant or request for guidance, blessing, forgiveness or intervention.

“Proselytizing” means attempting to convert individuals from one religion, religious belief or nonbelief to another through persuasion or inducement.

[“Public official” means any elected official, appointed official or employee of a state or local unit of government, including any employee of a public school district or public school board.]

“Public school” means any elementary or secondary educational institution operated by the state, a political subdivision thereof, including traditional public schools and public charter schools.

“Religious activity” means any practice, observance or expression intended primarily for religious purposes, including but not limited to prayer, worship, religious instruction, or proselytizing.

“Religious display” means any visual presentation of religious symbols, texts, imagery or artifacts that conveys a religious message or promotes religious beliefs.

“Religious text” means writing that is used primarily for devotional, worship or proselytizing purposes rather than for legitimate academic study of religion, religious history, or comparative religion.

“School event” means any activity (i) at a school facility or (ii) sponsored, conducted or supervised by a school official acting in official capacity. It includes, but is not limited to, graduation, grade-promotion

ceremony, award program, induction ceremony, pep rally, competition, practice, performance, class instructional time, and club meeting or event. However, each of the following activities is not a school event:

1. A student religious club meeting or event, if all school employees and agents are only present at the meeting or event in a nonparticipatory capacity;

2. An activity at a school facility, if it is outside the presence of students and no school official acts in official capacity; and

3. An activity at a school facility that is used by a third party pursuant to a standard facility use agreement or advance written permission that indicates the responsible third-party user, use period, facility to be used, purpose of use, and conditions of use, provided such use occurs during the agreed period, is on terms consistent with other third-party users, involves no school official acting in official capacity, and does not take place during school hours.

“School official” means any employee, agent, or representative of a public school or school district, including but not limited to teachers, administrators, coaches, and support staff.

“School property” means any building, facility, grounds or vehicle owned, leased, or controlled by a public school or school district.

“Secular purpose” means an objective that is not primarily religious in nature and serves a legitimate educational, administrative, or civic function.

Section 4. Protections for Students in Public Schools.

1. Rights of Students —

2. All public school students shall enjoy:

1. The right to practice any religion they choose on school grounds or at school events, provided that their practices are orderly, and do not inhibit the operations or safety of the school or infringe on the rights of others.

2. The right to not practice any religion whatsoever, if they so choose, on school property or at school events.

3. The right to be free from discrimination based on their religious beliefs or lack thereof.

4. The right to be free from school-sponsored religious teachings or practices of all kinds on school property or at school events including but not limited to:

    a. Staff-led prayer

    b. Prayer led by nonstaff adults or students, when it is

        i. Sponsored by the school, OR

        ii. Supported by the school by means of marketing, planning, audio-visual equipment, or endorsement by any member of school staff or the school itself,

    c. Any religious instruction as part of a school curriculum, including creationism and intelligent design.

    d. Required or coerced reading of religious texts other than for the academic study of religion.

Any academic study of religion that includes instruction of religious perspectives must include multiple religious perspectives.]

1. The right to be free of school-sponsored religious displays on school property or at school events. [This section includes, but is not limited to:
    a. The Ten Commandments and similar statements of religious doctrine,
    b. The Christian cross, the Star of David, the Star and Crescent of Islam, and similar symbols, AND
    c. Depictions of holy figures, prophets, or spiritual leaders for the purpose of promoting religious adherence.
    d. This section shall not apply to:
        i. de minimis wardrobe items such as necklaces, rings, or headdresses;
        ii. Displays in a private office area, so long as the display is not obvious to students or the public.

1. The right to be free from school-sponsored religious messaging on school property or at school events, including at school assemblies and in the classroom. This section does not prohibit:
    a. Student-created religious expression in individual assignments or projects, so long as the work addresses the learning objectives required by the curriculum, OR

    (ii) Reasonable accommodation of religious practices, including: Reasonable scheduling accommodations for religious observances, Dietary accommodations consistent with religious requirements,

    - Styling of hair or personal grooming practices consistent with religious or cultural practices,
    - Wearing of religious items, jewelry and regalia, including Indigenous traditional regalia and religious items, AND
    - Any personal expression of religious practices or of nonbelief provided it does not interfere with the rights of others or the safe and normal functioning of the school and provided it is not done by school staff operating in their official capacity.

1. The right to refuse to engage in religious discussions or otherwise reject unwanted proselytizing by other students;
2. The right to be free from incentives, offered from either the school or school staff, to participate in religious activities during school hours facilitated by third-party organizations including, but not limited to, through the offer of money, food, school supplies, or other items not otherwise available in the school.

[Removal of parents rights bill if state has one to prevent two different legal standards]

Section 5. Enforcement and Remedies

A. Grievance Procedures
Each public school district shall establish a formal grievance procedure for students, parents, and staff to report violations of this Act.

Complaints shall be acknowledged in writing within seven days. Complaints shall be investigated within 30 days.

A written determination and an action plan identifying necessary and specific steps to remediate any violations found shall be issued by the district immediately following the investigation, and within 40 days of the complaint.

Complainants shall have the right to appeal to the state Department of Education [or, if applicable, another oversight body designated by the legislature or state law].

B. Private Right of Action

Any student or parent of a student who alleges a violation of this Act may bring a civil action in a court of competent jurisdiction for declaratory, monetary, and injunctive relief.

Courts may award reasonable attorneys' fees and costs to prevailing plaintiffs, which includes plaintiffs awarded nominal damages and plaintiffs that receive a preliminary injunction prior to a case being dismissed.

[No qualified or "good faith" immunity shall apply to public officials who knowingly violate the provisions of this Act.]

Actions must be brought within two (2) years of the date of the alleged violation.

C. Standing

For purposes of enforcing this Act, any student currently enrolled or who was enrolled in a public school at the time of the alleged violation, or their parent or guardian, shall have standing to bring suit, without having to demonstrate any economic injury.

D. Whistleblower Protection

No public school employee shall be subject to discipline or retaliation for reporting, in good faith, a violation of this Act.

E. Training and Guidance

The state Department of Education may develop and provide training materials on compliance with this Act. School districts may provide training to all school officials on compliance with this Act.

The State Department of Education may provide model policies and guidance documents to assist local implementation.

Section 6: Severability

If any part of this Act is found invalid, the remaining provisions and their application shall remain in full force and effect.

Section 7: Implementation

This Act shall take effect on [DATE], provided that:

The state Department of Education shall issue guidance within 60 days of enactment. School districts shall have 120 days to review and revise policies for compliance.