

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 4608

(SENATE AUTHORS: UTKE, Johnson, Koran and Mathews)

DATE	D-PG	OFFICIAL STATUS
05/21/2022	8623	Introduction and first reading
		Referred to Education Finance and Policy
05/22/2022	8630	Author added Mathews

1.1 A bill for an act

1.2 relating to education; allowing public silent prayer at student athletic activities;

1.3 proposing coding for new law in Minnesota Statutes, chapter 121A.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[121A.373] PUBLIC SILENT PRAYER AT A STUDENT ATHLETIC**

1.6 **ACTIVITY.**

1.7 Subdivision 1. Citation. This section may be cited as "Coach Kennedy's Law."

1.8 Subd. 2. Definitions. (a) The terms used in this section have the meanings given.

1.9 (b) "Athletic department staff member" means a coach, assistant coach, athletic director,

1.10 or other employee responsible for coordinating or administering an athletic program for a

1.11 public educational agency or institution.

1.12 (c) "Student athlete" means a student who actively participates in a student athletic

1.13 activity, including a sport.

1.14 (d) "Student athletic activity" means any sport or other athletic activity related to

1.15 competition, practice, or training exercises, that is sponsored by a public educational agency

1.16 or institution and is intended for student athletes, and at which a coach or athletic director

1.17 is present in an official capacity as a coach or athletic director.

1.18 Subd. 3. Free exercise right of athletic department staff members. (a) Pursuant to

1.19 the free exercise clause of the First Amendment of the United States Constitution and article

1.20 I, section 16, of the Minnesota Constitution, an athletic department staff member may

1.21 designate a place and time before or after a student athletic activity for public silent prayer

1.22 that other persons, including student athletes, may choose to participate in.

2.1 (b) If a public educational agency or institution prohibits or takes adverse action against
2.2 an athletic department staff member for taking part in activities protected under this
2.3 subdivision, the athletic department staff member may pursue a civil cause of action in a
2.4 court of competent jurisdiction and may seek attorney fees, costs, injunctive relief, declaratory
2.5 relief, and other forms of relief deemed appropriate by the court.

2.6 Subd. 4. **Fundamental right of student athletes to opt out.** (a) Pursuant to the free
2.7 exercise clause of the First Amendment of the United States Constitution and article I,
2.8 section 16, of the Minnesota Constitution, an athletic department staff member may not
2.9 discriminate, discipline, or take adverse action against a student athlete for opting out of a
2.10 public silent prayer under subdivision 3.

2.11 (b) A student athlete or the parent of a student athlete has standing to pursue a civil
2.12 action in a court of competent jurisdiction against the athletic department staff member and
2.13 the public educational agency or institution for violation of the student's rights under this
2.14 subdivision. The student athlete or parents of the student athlete may seek attorney fees,
2.15 costs, injunctive relief, and other forms of relief deemed appropriate by the court.

2.16 Subd. 5. **State High School League.** The State High School League under chapter 128C
2.17 must adopt a policy that prohibits discrimination or adverse action against a student athlete
2.18 or athletic department staff member exercising a right under this section.

2.19 Subd. 6. **Civil suits.** If judgment on a claim under this section is rendered in favor of
2.20 the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad
2.21 faith, the court may also render judgment for reasonable attorney fees and costs in favor of
2.22 the defendant against the plaintiff.

2.23 Subd. 7. **Construction.** Nothing in this section prohibits an athletic department staff
2.24 member from engaging in nonsilent prayer during a student athletic activity or in verbal
2.25 prayer before, during, or after a student athletic activity.