

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS

Our schools must be places where religion and religious conviction are treated with fairness and respect. The District must uphold the First Amendment and protect the religious rights of its students, including the right to be free from religious indoctrination by the public schools.

The District recognizes that students' education would be incomplete without an understanding of the role of religion in history and society. It is both proper and important for teachers to objectively discuss the influences of various religions, using religious works and symbols to illustrate their relationship with society, literature, or the arts. The District expects that such instruction will identify principles common to all religions and foster respect for the multiple creeds practiced by the peoples of the world.

Though schools must be neutral with respect to religion, the District shares responsibility with the community to develop in its students appropriate moral and ethical character incorporating American ideals of liberty, justice, the pursuit of happiness, and equality of opportunity. The fact that some of these values are also held by religions does not make it unlawful to teach them in school.

In order to respect each student's individual right to freedom of religious practice, religious indoctrination is forbidden in the public schools. Instruction about religion must not favor, promote, or demean the beliefs or customs of any particular religion or sect.

Staff, when acting in an official capacity, shall not endorse, encourage, or solicit religious or anti-religious expression or activities among students. They shall not lead students in prayer or participate in student-initiated prayer. However, staff shall not prohibit or discourage any student from praying or otherwise expressing his/her religious belief as long as this does not disrupt the classroom or the educational environment.

Students may express their beliefs about religion in their homework, art work, and other written and oral reports if the expression is germane to the assignment. Such work shall be judged by ordinary academic standards, free of discrimination based on religious content.

Instruction which is contrary to a student's religious beliefs and teachings may be optional for that student in accordance with the Education Code or at the discretion of the Superintendent or designee.

The Board directs the administration to develop regulations that provide general guidance regarding recognition of religious beliefs and customs consistent with existing law.

(Legal Reference: see next page)

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS (continued)

Legal Reference:

EDUCATION CODE

51240 *Excusal from health instruction and family life and sex education due to religious belief*

51511 *Religious matters properly included in courses of study*

UNITED STATES CODE, TITLE 20

6061 *School prayer*

Lemon v. Kurtzman (1971) 403 U.S. 602

Wallace v. Jaffery (1985) 472 U.S. 38

Management Resources:

"Religion in the Public Schools: A Joint Statement of Current Law," April 1995

"Religious Expression in Public Schools," United States Department of Education, May 1998

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS**Student Expression**

Students have the same right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activities. For example, students may read their Bibles or other scriptures, say grace before meals, and pray before tests to the same extent they may engage in comparable non-disruptive activities. School authorities may impose rules of order and other pedagogical restrictions on student activities. Such rules, however, may not discriminate against religious activity or speech.

Generally, students may pray in a non-disruptive manner when not engaged in school activities or instruction and subject to the rules that normally pertain in the applicable setting. Specifically, students in informal settings, such as cafeterias and hallways, may pray and discuss their religious views with each other, subject to the same rules of order as apply to other student activities and speech. Students may also speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political and other topics. School officials, however, should intercede to stop student speech or activities that constitute harassment aimed at a student or a group of students.

Students may also participate in before- or after-school events with religious content, such as “see you at the flag pole” gatherings, on the same terms as they may participate in other non-curriculum activities on school premises. School officials may neither discourage nor encourage participation in such an event.

The student’s right to engage in voluntary prayer or religious discussion free from discrimination does not include the right to have a captive audience listen or to compel other students to participate. Teachers and school administrators should ensure that no student is in any way coerced to participate in religious activity.

Student Religious Response to Assignment

Students may express their beliefs about religion in the form of homework, art work, and other written and oral assignments free of discrimination based on the religious content of their submissions. Such home and classroom work should be judged by ordinary academic standards of substance and relevance and by other legitimate pedagogical concerns identified by the school.

Student Religious Garb

Students may display religious messages on items of clothing to the same extent that they are permitted to display other comparable messages. Religious messages may not be singled out for suppression, but rather are subject to the same rules as generally apply to comparable messages.

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS (continued)**School Employees: Official Neutrality Regarding Religious Activity**

School employees may engage in non-disruptive private religious expression and activities on campus during non-instructional time away from students and may factually respond to student-initiated questions about religion. Moreover, school employees, when acting in an official capacity, are prohibited from discouraging religious expression because of its religious content and from soliciting or encouraging anti-religious activity.

However, school employees, when acting in an official capacity, may not endorse, solicit, encourage, or participate in religious expression or activities with students, on campus or at school-sponsored, off-campus events. School employees may not lead students in prayer or participate in student-initiated prayer. School employees may supervise school religious club activities to maintain a safe school environment, but school employees may not initiate, participate, promote or conduct religious club activities. For the purposes of this regulation, school employees are deemed to be acting in an official capacity when school employees are on campus when school facilities are open for student use and when school employees are required by the District to be at school-sponsored, on or off-campus events.

Teaching About Religion

School employees may not provide religious instruction, but staff may teach about religion, including the Bible and other religious works. The history of religion, comparative religion, religious documents-as-literature, and the role of religion in the history of the United States and other countries all are permissible public school subjects. Similarly, it is permissible to consider religious or spiritual influences on art, music, literature, and social studies.

Teaching Values

Though school employees must be neutral with respect to religion, the District shares responsibility with the community to develop in its students appropriate moral and ethical character incorporating American ideals of liberty, justice, the pursuit of happiness, and equality of opportunity. The fact that some or all of these values are also held or advanced by religious or spiritual groups does not make it unlawful to teach them in school.

Religious Holidays

The school may teach about religious holidays, including the religious aspects of holidays, and may celebrate the secular aspects of holidays. However, the school may not observe holidays as religious events or promote such observance by students. School employees should make every reasonable effort to avoid scheduling examinations, school-sponsored trips, special laboratories, picture-taking days and class parties on established religious holidays.

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS (continued)**Religious Excusals**

Subject to applicable state and federal laws, school administration enjoys substantial discretion to excuse individual students from lessons that are objectionable to the student or the student's parents on religious, spiritual or other conscientious grounds. However, students generally do not have the right to be excused from lessons that may be inconsistent with their religious, spiritual or other conscientious beliefs. School officials may neither encourage nor discourage students from availing themselves of an excusal option.

Release Time

School administration may dismiss students to off-premises religious instruction, provided that the District does not encourage or discourage participation or penalize those who do or do not attend. However, the school may not allow religious instruction to students by outsiders on school premises during the school day as part of release time. Outsiders may be present on campus and provide instructions in accordance with regulations regarding religious expression/activities involving outsiders.

Student Use of School Facilities

A school creates a limited open forum, triggering equal access rights for religious groups, when it allows students to meet during their lunch periods or other non-instructional time during the school day, as well as when it allows students to meet before and after the school day. Student religious groups have the same right of access to school facilities as is enjoyed by other comparable student groups. To the extent the school allows one or more student non-curriculum-related clubs to conduct meetings on their premises during non-instructional time, school employees may not refuse similar access to student religious groups. A meeting for this purpose includes a prayer service, scripture reading, or other worship exercise.

Religious Expression/Activities Involving Outsiders

Religious proselytization, religious recruitment, the promotion of religion by outsiders or the demonstration of preference for one religious sect over another is prohibited on school premises during school hours and during off-campus, school-sponsored events. Outsiders announcing or encouraging attendance at religious events, or events sponsored by religious organizations, is considered prohibited promotion of religion. Similarly, anti-religious proselytization, recruitment or the discouragement of religion, or the demonstration of preference against one religious sect is prohibited on school premises during school hours and during off-campus, school-sponsored events. Outsiders must abide by all District policies and laws. For example, all outsiders must register at the school site and not disrupt school activities. This regulation is not intended to address limitations or rights of community members to express religious preference at public events.

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS (continued)

School employees may not allow the active and direct distribution of religious or anti-religious materials by outsiders on school premises during the school day or at school-sponsored, off-campus events.

Graduation Prayer and Baccalaureates

School employees may not mandate, sponsor or organize prayer at graduation nor organize religious baccalaureate ceremonies. If the school generally opens its facilities to private groups, it must make its facilities available on the same terms to organizers of privately sponsored religious baccalaureate services.

Programs and Exhibits

When school programs and exhibits are in any way related to instruction about religion or religious holidays, the following guidelines shall be observed:

1. The principal or designee shall ensure that school-sponsored programs are presented in an objective manner, consistent with Board policy.
2. The principal or designee shall be kept informed of the program's development.
3. Program or exhibit planners shall take into consideration the diverse religious faiths represented in the community, student body and staff.

Legal References:

U.S. Constitution, First Amendment
California Constitution, Article I, 4; Article IX, 8
Education Code 46014 and 51511
California Attorney General's Opinions, 53-266 (1955) and 59-296 (1960)
Lemon v. Kurtzman (1971)_ 403 U.S. 602
Equal Access Act, 20 U.S.C. 4071-4074
Lee v. Wiseman (1992) 112 S.Ct. 2649
Board of Education of Westside Comm. Schools v. Mergens (1990) 496 U.S. 226