

BACKGROUND:

RELIGION AND PUBLIC SCHOOLS: PROMOTING MUTUAL RESPECT AND UNDERSTANDING

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech; or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

—First Amendment

Introduction

The First Amendment of the United States Constitution prohibits the government from establishing an official religion, supporting religious activity, or giving preference to any religion. It also prohibits the government from interfering with the expression of religious beliefs. The tension between these two prohibitions has created significant confusion regarding what schools and educators may and may not do. This practice guide is intended to provide a very basic road map of what is permissible, what is prohibited, and how the study of religion can be incorporated as part of a complete education.

May students and educators pray while at school?

Students may pray (alone or in groups), read scriptures, discuss their faith, and invite others to join their particular religious group, provided such activity is voluntary, student initiated, is not disruptive, and does not compel a captive audience to listen or participate.

Similarly, school employees may pray or engage in other religious activities, but should not do so with or in the presence of students. School employees may meet for prayer or scriptural study during free time in the school day.

Students may express their religious views during a class discussion or as part of a written assignment or art activity, provided doing so is relevant to the subject under consideration and meets the requirements of the assignment. Educators should evaluate such work by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns identified by the school. Teachers may not reward or punish students based on their religious views.

If asked about their personal religious beliefs, educators should consider the maturity of their students and their ability to distinguish between personal views and the official position of the school. Educators must refrain from using the question as an opportunity to proselytize.

Students may distribute religious literature on campus, subject to reasonable restrictions regarding the time, place, and manner consistent with restrictions imposed by the school on other forms of literature.

School employees and officials do not shed their right to practice their faiths when they enter a public school, but because they are government employees, they must remain neutral while carrying out their official duties.

Accordingly, they may not organize, mandate, or participate in student religious activities, including prayer and religious baccalaureate ceremonies. They may lead a moment of silence, as long as it does not promote prayer over other types of quiet contemplation.

School employees may wear religious jewelry, but should not wear clothing with a proselytizing message.

Are religious clubs allowed at school?

If schools create a “free speech forum” at school-sponsored events, students may express themselves religiously provided all kinds of speech are permitted.

Secondary schools that receive federal funds and allow students to form clubs not directly related to the courses offered by the school must also allow students to form religious clubs and grant them the same access to school facilities and media. Meetings of religious clubs may include a prayer service, Bible reading, or other worship exercise. Schools may ban groups that discriminate or advocate violence.

School employees may monitor religious club meetings, but they may not participate in club activities or serve as advisors to such clubs. Nor may they distribute flyers promoting the clubs, or allow religious groups to distribute religious material on school grounds. Any of these activities would be considered showing a preference for religion. Students may distribute literature within the parameters of their school’s reasonable time, place, and manner restrictions, provided the restrictions apply equally to all nonschool student literature.

Can educators incorporate religion into curriculum and instruction?

Understanding art, music, drama, history, literature, and current events requires an understanding of religion’s influence. Instruction must be objective and neutral, so that students gain awareness, but are not pressed to practice or favor any particular faith tradition.

Teaching about religious holidays educates students about different cultures and traditions. Educators should draw a distinction between teaching about religious holidays, and celebrating those holidays, which is impermissible. Religious symbols may be used as teaching aids, but should be displayed only temporarily, as part of the instruction. School concerts that present a variety of selections may also include religious music.

Some parents may find some educational issues objectionable on religious grounds. Whenever possible, schools should try to accommodate parents’ requests to excuse their children from lessons or activities that violate their beliefs.

May students express their faith in their assignments?

Assignments may not require students to express their beliefs, but artwork and essays that contain expressions of faith are permissible and must be evaluated based on neutral academic standards

Must schools make special religious accommodations for students and educators?

In many communities, faith institutions offer religious instruction at times that conflict with public school hours. Subject to state law, districts may allow students to be released for such religious instruction off school property. School officials should neither encourage nor discourage participation.

Schools enjoy substantial discretion in adopting policies relating to student dress and school uniforms. Schools may not single out certain religious attire, but must be neutral, and policies must be enforced neutrally. Schools should make efforts to accommodate students and employees who must wear certain items of clothing, or who need a quiet place at lunch or during breaks to fulfill prayer obligations during the day.

Schools should not monitor compliance with religious requirements.

May schools incorporate religious observations in school events such as graduations?

Student speakers at events such as assemblies and graduation exercises may not be chosen in a way that favors or disfavors religious speech. Criteria must be neutral, and the student must maintain control over the content. Where the school controls the content, the school assumes responsibility, and the speech may not include prayer or antireligious content.

School officials may not include prayer as part of graduation ceremonies, or select speakers who will deliver religious speech. Any school-sponsored prayer activity would be considered a violation of the First Amendment.

NEA Policy

The National Education Association believes that freedom of religion is a fundamental human right. The Association also believes that choice of religion is an intensely personal decision. Instruction in religious doctrines and practices is best provided within a family setting and/or by religious institutions.

The Association further believes that schools should teach the rights and responsibilities associated with the freedom of religion, the religious heritage and diversity of the United States, respect for the beliefs of others, and the historical and cultural influences of various world religions.

Additional resources

A Teacher's Guide to Religion in the Public Schools, First Amendment Center, 1999
<http://www.freedomforum.org/publications/first/teachersguide/teachersguide.pdf>

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, U.S Department of Education, 2003
http://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html

Lofaso, Anne Marie; Religion in the Public Schools | A Road Map for Avoiding Lawsuits and Respecting Parents' Legal Rights (2009). Available for download at <http://religioninthepublicschools.com>

Religion in the Public Schools, Anti-Defamation League, http://www.adl.org/religion_ps_2004

The Association believes that local school boards should adopt policies that govern religious activities on school property. Such policies must respect the separation of church and state; govern voluntary, student-led meetings with adult supervision before or after normal school hours; treat all religions on an equal basis; and protect the rights of students and education employees.

The Association also believes that the constitutional provisions on the establishment of and the free exercise of religion in the First Amendment require that there be no sectarian practices in the public school program. The Association opposes the imposition of sectarian practices in the public school program and urges its affiliates to do the same.

The Association also opposes any federal legislation or mandate that would require school districts to schedule a moment of silence. The Association particularly opposes a moment of silence as a condition for receiving federal funds. (Resolution I-33)

The Association also believes that democratic ideals should be practiced as part of the total education process, including freedom of religion. (Resolution B-54)

The National Education Association believes that educational materials should accurately portray the influence of religion in our nation and throughout the world. (Resolution E-8)

Religion and Public Schools, The Center for Public Education, <http://www.centerforpubliceducation.org/Main-Menu/Public-education/The-law-and-its-influence-on-public-school-districts-An-overview/Religion-and-Public-Schools.html>

Religion in the Public Schools, Pew Forum on Religion & Public Life (2007)

http://www.pewforum.org/uploadedfiles/Topics/Issues/Church-State_Law/religion-public-schools.pdf