



Glendale Unified School District Religious Expression in the Schools

Questions arise occasionally about school prayer, teaching about religion in classrooms, holiday programs and displays, and other topics related to religious expression in schools.

Update Policy Adopted by Board of Education

In December 2017 and January 2018, the Glendale Unified School District updated Board Policy (BP) and Administrative Regulations (AR) on “Recognition of Religious Beliefs and Customs” (BP and AR 6141.2). In updating the policy and regulations, GUSD staff consulted the California School Board Association model policy guide and legal counsel.

For the complete policy, please refer to Board policies on the GUSD website:

https://www.gusd.net/cms/lib/CA01000648/Centricity/Shared/AR_BP_FOLDER/BP-6141.2-Curr-ReligExpress.pdf

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Introduction

Provisions of both the United States and California Constitution bar government involvement, in any form, which has the direct effect of promoting religious purposes.

The Establishment Clause imposes limitations on government endorsement of religion has important implications for religious speech and observance in public schools.

Thomas Jefferson described the Establishment Clause as erecting “a wall of separation between church and state.” Government neutrality toward religion is increasingly important with the proliferation of diverse religious beliefs, and schools are among the most important places where this principle is tested. National Coalition Against Censorship (NCAC).

At the same time, the Board of Education realizes that students, as citizens, have an important right to religious expression:

Tinker v. Des Moines School District (1969) (393 U.S. 503,511) stipulates that “Public school students do not “shed their constitutional rights to freedom of speech or expression at the “schoolhouse gate.”

The first amendment guarantees of religious liberty include the freedom to believe or not to believe, and to observe one’s faith openly without government interference. Freedom of speech encompasses religious as well as secular speech.

Schools must be places where religion and religious conviction are treated with fairness and respect.

Rationale

The Board recognizes that students' education would be incomplete without an understanding of the role of religion in society.

As appropriate for a particular course, teachers may objectively discuss the influences of various religions, using religious works and symbols to illustrate their relationship with culture, literature, or the arts. The Board of Education expects that such instruction will identify principles common to all religions and foster respect for the diversity of religions and customs in the world. (See BP 6141.2)

Balancing of Rights

Religious expression in public schools involves a careful balancing of free speech rights and the right to free exercise of religion without promotion or establishing religion.

Student Prayer and Religious Discussion in General

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.

Students may read the Bible or other religious text, 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 (e.g., requiring that prayer before tests be silent or otherwise performed in a manner that is not disruptive to other students) 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. For example, obscene gestures or conduct, vulgarity and profanity are not permissible even in the context of a religious discussion. Students may also speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. School officials, however, may and 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-curricular activities on school premises. School officials may neither discourage nor encourage participation in such an event.

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

School Staff Neutrality Regarding Religious Activity

In order to respect each student's individual right to freedom of religious practice, religious indoctrination is clearly forbidden in the public schools. Instruction about religion shall not promote or denigrate the beliefs or customs of any particular religion or sect, nor should a preference be shown for one religious viewpoint over another.

School staff members, when acting in their official capacity, are prohibited from endorsing, soliciting, encouraging, or directing religious activities with students, campus or at school-sponsored off-campus events.

School staff, when acting in their official capacities, are also prohibited from discouraging any student from praying or otherwise expressing his/her religious belief as long as this does not disrupt the classroom or the educational environment. Staff shall be highly sensitive to their obligation not to interfere with the religious development of any student in whatever tradition the student embraces.

School staff are deemed to be acting in their official capacities during all school hours and when required by the District to be at school-sponsored, on- or off-campus events regardless of whether the event occurs during school hours.

School staff members are required to act as faculty representatives to school clubs and open forum meetings (see Administrative Regulation 5380). School staff members, other than designated faculty representatives, may occasionally attend student initiated religious meetings during non-duty time, providing they are at the meeting as a guest of the student group and not as a member of the District's faculty. As part of their official duties, staff shall not lead students in prayer or other religious activities.

School staff may engage in non-disruptive private religious expression and activities on campus during non-instructional time away from students, and may factually, i.e., in a nonsectarian and non-proselytizing manner, respond to student-initiated questions about religion.

Graduation Prayer and Baccalaureate

School officials may not mandate or organize prayer at graduation nor organize religious baccalaureate ceremonies. If a school generally opens its facilities to private groups, it must make its facilities available on the same terms to organizers of privately sponsored religious or baccalaureate services. A school may not extend preferential treatment to baccalaureate ceremonies and may be obliged to disclaim official endorsement of such ceremonies.

Religious Events

Students and staff are permitted voluntarily to attend and participate in a privately sponsored religious event. However, no student or staff may be compelled to attend such an event. The decision to attend or not attend a religious event may not, in any way, impact a student's grade or a staff member's employment. The attendance at a religious event cannot be part of the students' curriculum or a condition of a staff member's employment. If students or staff members choose to attend and participate in such an event, the District should make it known, where possible, that the event is not a school sponsored activity and that the persons who are participating in the event have volunteered their time and efforts.

Teaching About Religion

- Religious indoctrination is forbidden in the public schools.
- Schools may not provide religious instruction or aid to any particular religion, but they may teach about the history of religion, comparative religion, the Bible, the Koran or other religious scripture-as-literature, and the role of religion in the history of the United States and other countries. Similarly, it is permissible to consider religious influences on art, music, literature, and social studies. For this purpose, scripture is defined as a body or writings considered sacred or authoritative.
- Schools may teach about religious holidays, including their religious aspects, and may celebrate the secular aspects of holidays in their cultural context. However, schools may not observe holidays as religious events and may not promote or discourage individual observances by students.
- Instruction about religion must be secular (such as in the context of history or comparative religions), and must not favor, promote, or demean the beliefs or customs of any particular religion or sect.
- Staff should be highly sensitive to their obligation not to interfere with the religious development of any student in whatever tradition the student embraces.

- Pursuant to California Education Code Section 46014, school officials may neither encourage nor discourage students from availing themselves of an excusal option.

Student Assignments on Religious Subjects

Students may express their beliefs about religion in the form of homework, artwork, and other written and oral assignments free of discrimination based on the religious content of their submissions. Staff shall evaluate, grade and judge such work by ordinary academic standards of substance and relevance to the instructor's assignment, and against other legitimate pedagogical concerns identified by the school.

Student Distribution of Religious Literature

Students may distribute religious literature to their peers on the same terms as they are permitted to distribute other literature that is unrelated to the school curriculum or activities. Schools may impose the same reasonable time, place, and manner or other lawful restrictions on distribution of religious literature as they do on non-school literature generally; however, schools may not single out religious literature for special regulation.

Religious Expression or Activity by Non-Students

Schools may not permit religious proselytization, religious recruitment, "testimonials," the promotion of religion, or demonstration involving preference for one religious belief or sect over another by non-students on school premises during school hours or during off-campus, school-sponsored events. For example, non-students announcing or encouraging attendance at religious events, or events sponsored by religious organizations, is a prohibited promotion of religion.

Similarly, anti-religious proselytization, recruitment, or the discouragement of religion by non-students is prohibited on school premises during school hours and during off-campus, school-sponsored events. Non-students must abide by all District policies and laws. For example, they must register at the school site, wear appropriate identification, and not disrupt school activities.

Non-students may attend and participate in student religious club meetings at the request of the club, and subject to applicable Board Policies and Administrative Regulations. Non-students may not direct, conduct, control or regularly attend activities or meetings of student clubs.

Teaching Values

Though schools must be neutral with respect to religion, schools should teach civic values. The fact that some of these values are held also by religions does not make it unlawful to teach them in school.

Student Religious Expression Through Dress

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. When wearing particular attire, such as yarmulkes and headscarves, during the school day as part of a student's religious practice, schools generally may not prohibit the wearing of such items.

Student Use of School Facilities for Religious Activities

Student religious groups at secondary schools have the same rights of access to school facilities as are enjoyed by other comparable groups.

Schools that allow one or more student non-curriculum related clubs to conduct meetings on their premises during non-instructional time may not refuse similar access to student religious groups, for the purpose of meetings, including prayer services, Bible readings, or other worship exercises.

Equal Access to Means of Publicizing Meetings

Student groups shall be allowed to use the school media - including the public address system, the school newspaper, and the school bulletin board - to announce their meetings on the same terms as other non-curriculum related student groups are allowed to use the school media. Any policy concerning the use of school media must be applied to all non-curriculum related school-sponsored student groups in a non-discriminatory matter. Schools, however, may inform students that certain groups are not school-sponsored.

Schools are encouraged, on all school-sponsored publications, to disclaim school sponsorship or endorsement of student-promoted, non-school events such as civic events, sports contests, and church or youth group activities.

Scheduling of School Events on Days Corresponding with Major Religious Holidays

Staff shall make every effort to schedule one-time events, such as examinations, school sponsored trips, special laboratories, picture-taking days and class parties, to minimize conflicts with major religious holidays of all faiths.

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:

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

Student Religious Expression Through School Productions

For both class and extracurricular purposes, students regularly produce drama and other theatrical events. Whether produced as part of a class activity (such as a drama class or as a school-sponsored club), the production is a school-sponsored event or activity over which the school retains control and responsibility.

As with instruction involving religious themes or issues, the history of religion, comparative religion, the Bible (or other scripture)-as-literature, and the role of religion in the history of the United States and other countries all are permissible elements in theatrical production. Similarly, religious influences on art, music, literature, society, and culture are permissible elements of such a production. These criteria would apply to holiday assemblies and production containing religious art, literature, or music.

Concerts may appropriately include music related to religious themes. In concerts where religious music is included, a balance between religious and secular music should be maintained.

Holiday Displays

Schools may display religious symbols such as nativity scenes and menorahs on a temporary basis, if they are combined with examples of the practice of other religions as a multicultural display or for some other education purpose.

While the United States Supreme Court has ruled that decorations such as Christmas trees and Santa Claus have attained a secular status in society and can be displayed, it is important that schools encourage sensitivity and openness to all belief systems.

School Publications

Students have the right to express their individual views, including religious views, in official school publications such as a school newspaper or yearbook subject to the limitations outlined in Administrative Regulation 5145.2.

***FOR FURTHER INFORMATION CONTACT:
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