

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS

Points to Remember in Following Policy 9.002

1. Both the North Carolina and the United States Constitutions guarantee individual religious freedom but prohibit schools from engaging in any activities that promote or criticize religious beliefs and practices.
2. Policy 9.002 seeks to be sensitive and respectful of the rich religious diversity of our community and to foster and accommodate student religious beliefs and practices whenever educationally feasible and constitutionally permissible.
3. Students whose religious beliefs preclude them from participating in a school-sponsored activity or program may be excused from such participation by providing a written request from the parent or guardian. School personnel shall be sensitive to and accommodate requests for alternative assignments or excusal from activities based on religious grounds.
4. School employees may not promote, lead or participate in religious activities in the school.
5. Topics, activities, decorations, etc. that have a religious connotation or association with a particular religion are permitted as long as they are relevant to some aspect of the curriculum or are part of the academic study and are used in a non-indoctrinating manner.
6. Activities such as music, art, literature and drama that have religious themes are permitted as part of the curriculum if presented in a prudent and non-indoctrinating manner as a traditional part of the cultural and religious heritage of the particular holiday.

QUESTIONS AND ANSWERS

I. EXCUSING CHILDREN FROM ACTIVITIES FOR RELIGIOUS REASONS

- A. What happens to a child who for religious reasons chooses not to participate in a particular activity?

Teachers should treat requests to be excused with sensitivity and respect for the child's sincerity. Alternative activities should be provided. When possible, teachers should discuss with the parents ways of minimizing the emotional impact on the child.

- B. Can band members be excused from marching in Christmas/Easter parades because of religious convictions?

Yes, requests by band members to be excused on religious grounds from participating in Christmas or Easter parades should be honored to protect the students' free exercise rights. Participation in a secular program with religious components should not be a condition for band membership.

II. HOLIDAY ACTIVITIES AT SCHOOL

A. What is the general rule?

It is acceptable to teach students objectively about religious holidays but not to celebrate them, which would advance a particular religion.

B. Are students allowed to sing Christmas carols such as "Silent Night" or "O Little Town of Bethlehem" during the school day?

Yes, if the setting for the singing of religious carols is a secular instructional context.

Suggested Ways:

1. The teacher might explain the historical background and the musical significance of the carols in a non-indoctrinating manner.
2. In any carol singing program, include some non-religious music relevant to the holiday (such as "Jingle Bells" or "White Christmas") as well as songs from other faiths (such as Hanukkah songs). The purpose is to show students various ways of celebrating the season through religious and non-religious music.
3. Teachers also need to teach children songs from holidays of other faiths throughout the year.

C. Are choral groups allowed to sing religious songs at P.T.O. or public school performances?

Yes, if set in a secular and non-indoctrinating instructional context.

Suggested Ways:

1. The teacher could give historical information about the songs and/or the composers.
2. Songs of various religious faiths could be included for the purpose of teaching children and adults about the variety of musical expressions of the holiday.

D. If religious carols are to be included in a school presentation or program, must parents be notified beforehand?

No, advance notice to parents is not needed. Parents have the responsibility to make an inquiry if they are interested in the content of a holiday program.

E. Are students allowed to exchange Christmas/Valentine cards?

Yes, students can exchange cards. School employees may also give students holiday cards, but if they distribute cards at school, the cards should not contain a religiously indoctrinating message.

F. Can teachers read the Christmas/Easter story to students from the Bible?

Yes, if it is set in a secular and non-indoctrinating instructional context.

Suggested ways:

1. Explain the history of the version of the story in the Bible which you are reading. (For example, if the reading is about the birth of Jesus in Luke, explain that this is just one version of the story.)
2. Explain other derivations of the story.
3. Give examples of renditions of the story in art, music, and drama throughout history (for example, the movies Jesus Christ Superstar and Barabbas).
4. Give examples of significant births, deaths and rebirth stories in other faiths.

G. Can a school have a Christmas/Easter pageant?

Yes, if it is set in a secular and non-indoctrinating instructional context. Follow the guidelines in Question 6 above. Teachers should also teach about other faiths at appropriate times during the school year.

III. RELIGIOUS DISPLAYS AT SCHOOL

A. Can rooms display Christmas trees, nativity scenes, or other symbols associated basically with the Christmas holiday?

Yes, if they are set in a secular and non-indoctrinating instructional context and used as teaching aids, not decorations. The display should be temporary and no one religion should predominate.

Suggested ways:

1. Display and explain similar symbols of other holidays that occur at the same time of the year (Hanukkah, Kwanzaa).
2. Teach the significance of the symbols.
3. Explain the historical development of the symbols.

B. Can a nativity scene be displayed in conjunction with a school musical presentation?

Yes, nativity scenes or other symbols of religious holidays can be displayed as long as they are set in a secular instructional context and are temporary. School presentations should not focus on only one religion.

Suggested Ways:

1. Explain the historical depiction of the nativity in art, music, and drama.
2. Teach the significance of "birth stories" in several religions, giving examples.

C. What if someone wants to donate plaques to display the Ten Commandments?

Respectfully decline any such offer. This is still an unsettled legal question and Pitt County Schools would run a risk by displaying such plaques. Remember, all school displays of religious material must be set in a secular non-indoctrinating context, be used for instructional purposes, and be temporary.

IV. RELIGIOUS ACTIVITIES AT SCHOOL

- A. Can a student be assigned topics associated with religion (such as the Pilgrims' reasons for celebrating Thanksgiving or the role of religion in the Civil War)?

Yes, as long as the assignments or questions do not promote a particular religious belief or require particular answers. Students have a right to express their own religious beliefs when relevant to an assignment.

- B. Can a high school have a gospel choir?

Yes, if it is an extracurricular activity. However, teachers should not lead the choir.

- C. Can a school display advertisements of such community religious activities as Easter services, revivals, Passover celebrations, etc.?

Yes, if the school has a bulletin board for the posting of advertisements and that board is open to ads from all community groups.

V. PRAYER AT SCHOOL

- A. What is the general rule?

Organized prayer in the public school setting, whether in the classroom or at a school-sponsored event, is unconstitutional. Teachers may not pray with or in the presence of their students at school. Private and voluntary student prayer is permissible and constitutionally protected.

- B. What are students' rights regarding prayer?

Students can engage in voluntary individual prayer that is not coercive and does not substantially disrupt the school's educational mission and activities. For example, all students have the right to say a blessing before eating a meal. Students may also engage with other students in religious activity during non-curriculum time as long as the activity is not coercive or disruptive.

School officials may neither promote nor discourage a student's personal prayer or religious activity. It is crucial to ensure that the religious activity is actually student-initiated and that no school employee supervises or participates in the activity.

It is also essential that private religious activity not disrupt the schools' educational mission or interfere with the rights or well-being of other students. School officials should intercede if discussion becomes religious harassment or pressure.

- C. Can there be vocal prayer and Bible reading in the classroom?

No, neither vocal prayer, whether denominational or ecumenical, nor ceremonial reading from the Bible are constitutional in the public school classroom. This is true even if the prayer or Bible reading is voluntary or is led by a volunteer. It is true even if students may be excused from the activity or the classroom. Neither can anyone broadcast prayers over a school intercom system.

D. Can there be a moment of silence in the classroom?

This is a school decision. North Carolina Education Law 115C-47 (29) allows local school districts to permit a moment of quiet reflection in the classroom at the beginning of the day “to create a boundary between school time and non-school time and to set a tone of decorum in the classroom that will be conducive to discipline and learning.” During the moment of silence, not to exceed one minute, no one should engage in other activity. The statute states that, “Such period of silence shall be totally and completely unstructured and free of guidance or influence of any kind from any sources.”

E. Can there be prayer at school athletic events?

No, school officials, including coaches, are forbidden to initiate or lead a team in prayer. Nor may a school official ask a team member of any other student to initiate or lead a prayer before, during or after a public or school-sponsored athletic activity or event. Neither can members of the clergy offer prayers at such times.

Non-coercive spontaneous voluntary prayer initiated and led by students at such times may be constitutional. School personnel should not be involved.

F. Can there be prayer at school assemblies?

No. Neither school officials, employees, outsiders, nor students may offer prayers at school assemblies. This is true even if attendance is voluntary and if the intended prayer is non-proselytizing and nonsectarian.

G. Can there be scheduled prayer at graduation?

No. Prayers delivered by clergy or school officials at official public school graduation ceremonies are not permitted. That is true even if the prayer is nondenominational or voluntary.

H. Can students lead prayer at graduation?

Not in a scheduled, planned way. Even student-initiated non-sectarian graduation prayer is generally not looked upon favorably by the courts. (The concern is that high school graduation is a central event in the lives of students and their families, and they should be able to attend graduation ceremonies without fear of religious coercion, whether from their peers or others.) Student prayer from speakers is acceptable if it happens as truly voluntary private speech.

I. Can baccalaureate services be held?

Yes, baccalaureate services are distinct and separate from official graduation ceremonies. They may include prayer and religious sermons. However, such events must be privately sponsored, must not be led by school personnel, and must not be endorsed by the school.

VI. DRESS CODES

A. Can the school restrict students from wearing religious attire or symbols?

Generally, no. Dress rules that implicate a student's rights to religious expression must be carefully interpreted. Exceptions to the rules should be made to accommodate a student's religious expression. For example, head coverings that are part of a recognized religion should be permitted, even if head coverings are generally banned. However, students could be restricted if a particular religious symbol (for example, a style of rosary beads) had been identified by local law enforcement as a gang-related symbol.

B. Can the school restrict teachers from wearing religious attire or symbols?

Yes. Public schools must maintain religious neutrality, and in order to maintain that neutrality, teachers who are on duty are restricted from wearing clothing that endorses a particular religion. However, some courts have allowed teachers to wear necklaces bearing such symbols as a cross or a Star of David, stating that such decorations are religiously "ambiguous."

VII. TEACHERS' RELIGIOUS EXPRESSION

A. What is the general rule?

Public schools must maintain religious neutrality and teachers may not interfere with this objective. When teaching or counseling students, or otherwise acting as representatives of the school, teachers may not participate in religious activities or advocate particular religious views.

B. What are teachers' rights regarding prayer?

Teachers may not pray with or in the presence of students in school, or in their capacity as teacher or school representative. Nor may teachers read the Scriptures or devotional material in front of students during a silent reading period. Teachers may pray separately or together when they are on their own time and not in the presence of students.

C. May teachers share their religious views with students?

Teachers should avoid sharing their personal religious views with students, particularly students in the lower grades. If a teacher's religious views become the subject of discussion the teacher must make it clear that he or she is in no way encouraging students to adopt those views. Students must never be encouraged to accept or conform to specific religious beliefs or practices.

D. May teachers wear religious symbols or clothing to school?

No, schools need to preserve an atmosphere of religious neutrality and courts have upheld restrictions on religious dress or garb. However, courts have permitted teachers to wear decorations such as necklaces bearing such symbols as crosses or Stars of David.

E. May teachers or administrators participate in Prayer around the Flagpole?

No.

F. May teachers and administrators lead prayer at school?

No.

G. Can coaches have students pray prior to a game?

No.

H. May teachers or other school personnel lead or participate in activities of religious organizations held at their school during non-school hours?

Yes, as long as such involvement is undertaken in their capacity as individuals rather than representatives of the school and the state.

VIII. STUDENT DISTRIBUTION OF RELIGIOUS MATERIAL

A. What is the general rule?

Students have a First Amendment right to free expression in public schools. However, the right is not absolute and such distribution may not substantially interfere with or disrupt the school's activities, and it may not involve pushing one's view on others who do not welcome them. It is essential that the school neither sponsor nor appear to sponsor the distribution of religious material by students.

B. How may a school limit a student's distribution of religious materials prepared by outside organizations?

The school must neither sponsor nor appear to sponsor the distribution of religious material by students. The school may require a statement disclaiming school endorsement on all outside religious material being distributed.

The school may also establish reasonable restrictions on distribution so long as they (1) do not discriminate based on content and (2) apply to all distributions of any material by students. For example, a school may limit the hours of distribution, the place of distribution, and the number of copies that any one student may distribute. (Schools may impose greater restrictions than these on school-sponsored expressive activities such as a student newspaper.)

C. What concerns arise when students distribute religious materials prepared by outside organizations?

When students distribute such material at school it can lead to school endorsement of the distribution of religious materials; it creates the serious danger of the school advancing specific religious practices or beliefs; or, at a minimum, it creates the impression of such endorsement or advancement of religion and may put the school in violation of the establishment clause.

Students of a minority religion, or students who do not practice a religion, may face considerable pressure to accept religious material and may be harassed, intimidated or ostracized if they decline. Distribution of religious material may interfere with the rights and well-being of such students, as well as disrupt the educational process and the fundamental mission of the school to create a learning environment that is hospitable to all students.

D. May school officials totally prohibit students from distributing religious material that they prepare themselves?

No. Students have a right to free expression, so the distribution of religious material that they prepare is difficult to restrict. But schools maintain an interest in protecting against substantial disruption, so if distribution results in such disruption the school has reason to limit the distribution. Mere speculation that there will be disruption is not enough.

IX. STUDENT RELIGIOUS CLUBS IN HIGH SCHOOLS

A. Can high schools have student religious clubs?

Yes, so long as they follow the guidelines of the Equal Access Act (EAA) found at 20 U.S.C. Sections 4071-4074. Public high schools that receive federal funding can allow student-initiated groups that are not related to curriculum to meet on school premises during non-instructional time. IF a school chooses to allow such groups, it must treat all groups equally regardless of their religious, non-religious, political, philosophical or other viewpoint.

B. What is a non-curriculum related student group?

It is a group or club that focuses on an issue or activity that is not directly related to the courses offered by the school. Local school authorities determine whether a group is non-curriculum related. They consider whether the group's subject matter is taught in a school course, whether it concerns the body of school courses as a whole, or whether participation in the group is required for a course or academic credit. For example, the chess club and audiovisual club are generally non-curriculum related student groups while the Spanish club is generally a curriculum-related student group.

C. What is non-instructional time?

This is time which the school sets aside before classroom instruction begins in the morning or after classroom instruction ends in the afternoon. It also encompasses an activity period or lunch period during which instruction does not occur and during which other groups are allowed to meet.

D. What restrictions does the EAA place on non-curriculum related student groups?

1. They must be student-initiated.
2. They must be student-sponsored and student-led.
3. Participation in the group must be voluntary.

E. What rights does the EAA grant to non-curriculum related student groups?

These groups must have equal access to school facilities for meetings and equal access to school media (such as school publications, bulletin boards and public address systems) for publicizing their activities.

The Second Circuit ruled that a non-curriculum-related religious student group could not limit its membership to persons of the faith represented by the group, but the Court did allow officer positions in the group to be restricted to persons of the group's faith.

F. What rights do school authorities retain under the EAA?

School officials have the right to prohibit ALL non-curriculum-related clubs from meeting on school premises.

School officials who permit non-curriculum-related clubs may establish uniform and non-discriminatory time, place and manner regulations that apply to all club meetings. School officials should require religious clubs to follow the same rules as all other student clubs, including adherence to any non-discrimination policy.

School officials are obligated to maintain order and discipline on school premises. If they permit student-initiated clubs, they may prohibit club meetings which materially and substantially interfere with the orderly conduct of educational activities within the school.

School officials can monitor meetings to ensure compliance with district policy and the EAA.

G. What restrictions does the EAA place on the school and its agents and employees?

School personnel, including teachers, may not initiate, sponsor, promote, lead or participate in club meetings. However, school personnel may be required to monitor club meetings.

H. What restrictions does the EAA place on non-school persons?

1. Outsiders, such as clergy, may not initiate club meetings. (They must be student-initiated.)
2. Outsiders may not direct, conduct, control or regularly attend activities of student groups.
3. Outsiders may occasionally attend club meetings if invited by the students and if the school does not prohibit such guests. (School officials have the authority to totally forbid non-school persons from attending all student club meetings.)

I. What limits may a school place on the posting of notices inviting students to attend after-school meetings of non-curriculum-related organizations and clubs?

The school can require that a staff person review and approve all notices before they are posted, and the school may limit the time, place and manner for distribution of notices. (For example, the school may require that they be posted only in a particular display case or on a specific wall, and require that each notice bear a stamp indicating that it has been approved for posting.)

To ensure that it is not endorsing the religious message of a poster, flier or announcement, the school may use a disclaimer on the notice itself or at the location

where all notices are posted. School teachers should not be personally involved in the distribution of materials and outsiders may never distribute such invitations on school property during school hours.

J. What concerns arise when a religious club meets pursuant to the EAA?

When religious groups meet in school facilities it may create the appearance that the school is endorsing religion in violation of the establishment clause. School officials must protect against such impressions and may do so by issuing disclaimers that clearly state that the school does not sponsor, endorse or promote the non-curriculum-related student group.

Another concern is the possibility of coercive peer pressure. Student club members may coerce students into joining sectarian groups and adhering to the group's beliefs. This is particularly possible when the student body is composed largely of the same religious faith as that practiced by club members. Such clubs have the potential to create "insider" and "outsider" student groups and to lead to students being harassed, ridiculed or ostracized.

K. What are the options if a high school allows non-curriculum related student-organized student-led clubs to meet before and after school and a very controversial club opposed by the community is proposed by a student?

The school must allow student clubs without regard to their viewpoint or ban ALL non-curriculum-related clubs.

If a school allows student-initiated clubs, it may only prohibit clubs and organizations if it can be shown that they are contrary to the educational mission of the district or present a danger to the health and safety of the school. This is a high standard – a school may not bar a student club just because the school or the community disagrees with its message, even if they disagree strongly.

X. OUTSIDE RELIGIOUS CLUBS/GROUPS THAT MEET IN SCHOOLS

A. What is the general rule regarding religious organizations using school facilities?

In 2001 the U.S. Supreme Court ruled that outside religious groups must have the same access to schools on the same terms as non-religious groups.

Schools are not required to open their buildings to outside groups during non-school hours. But if they choose to do so, they must follow the same criteria for all applicants, neither endorsing nor disapproving of a group on the basis of its religious nature.

B. May religious groups meet in elementary and middle schools as well as high schools?

Yes, religious groups can meet in any level of public school so long as the school abides by the following general guidelines:

1. The school allows other outside clubs or organizations to meet at the same time.
2. Groups must all be subject to the same rules and regulations.
3. Groups must not meet at the school during school hours.

The school must neither endorse nor disapprove of religion, and must also avoid the perception that it is doing so. (In *Good News v. Milford*, the Supreme Court analyzed whether a school district would be perceived as endorsing religion when it allowed a religious group to meet in an elementary school. The Court said that it would not likely be perceived as endorsing religion because (1) the meetings were not held in the school classrooms, (2) the instructors were not school teachers, (3) the student attendees ranged in age and (4) the group had obtained signed permission slips from the parents of the students involved.

- C. A computer club, a karate class and a Cub Scout chapter currently use an elementary school after the school day. A religious group wants to begin meeting on campus every Tuesday at the same time. Must the school allow them to meet?

Yes, so long as the school has opened its doors to outside organizations, it must allow the religious club to meet in its facilities too. See the answer to the previous question.

- D. A religious club wants to meet in an elementary school and the minister leader asks to make an announcement concerning the club at an assembly and have the school include a permission slip in its regular weekly communication with parents. What should the school do?

The minister may make the announcement (1) only if other after-school organization leaders are also permitted to make such announcements AND (2) the message does not contain religious exhortations in trying to recruit students AND (3) the school issues a disclaimer to ensure that people understand that the school is not sponsoring the religious club. The school may wish to schedule a time when all clubs can make their announcements rather than have the religious club stand alone.

The school can include a permission slip for the religious club in its weekly packet if it is willing to do so for other organizations that meet at the school. If the school distributes or collects permission slips, it must be careful not to endorse the religious activities of the club.

- E. If a religious group meets at a school during non-school hours, may a school employee lead or participate in its activities?

Yes, as long as such involvement is undertaken in the employee's capacity as an individual rather than as a representative of the school.

- F. Must a high school allow outside religious groups to meet in its facility if it allows student-initiated student-run non-curriculum groups to meet?

No, the school is not required to let outside groups use its facilities just because it allows student-initiated groups. However, if the school does allow non-student outside groups to use its facilities, it must treat religious groups the same as all others.