

December 2, 1999

**TO: BRUCE REED
ANN LEWIS**

**FR: KEVIN SULLIVAN
DAVID FRANK**

RE: RELEASE OF RELIGIOUS GUIDELINES

To follow-up our conversation with Ann earlier this week here is the information about this coming release. Secretary Riley will be releasing a comprehensive packet of guidelines on religion in public schools in the near future. This is scheduled for Monday, December 13th at 11:30 am with religious and educational leaders. The packet will include a cover letter from the Secretary and the following pieces.

1. *Religion in Public Schools: A Statement of Principles.* (reprint of our 1995 document)
2. *A Parents Guide to Religion in Public Schools* (reprint)
3. *A Teachers Guide to Religion in Public Schools* (new)
4. *Public Schools & Religious Communities: A First Amendment Guide.* (Freedom Forum document released last July)
5. *Guidelines for volunteers participating in Partnerships with Public Schools*
(2 page list of do's and don'ts) (new)
6. *How Faith Communities Support Children's Learning in Public Schools.*
(an extract from a longer Department report released in Sept) (new)

Unlike previous mailing that only went to school superintendents this packet will be sent to all public schools in addition to a separate mailing to religious leaders. We are printing a 150,000 copies of everything. This is a joint effort of the Department and the Freedom Forum First Amendment Center. Our goal is to get good information down to the school level where the problems start to help school leaders avoid the divisive law suits that so often tear a community apart.

Given the President's strong record on religious issues you many want to consider the possibility of a White House release. Ann Lewis already has the majority of the documents in her office and a courier will bring a complete set of documents over to Bruce shortly.

The three guidelines that will generate the most interest will be a new "*Teachers Guide to Religion in Public Schools*" which has been endorsed by over 21 religious and education groups including the NEA, AFT, NSBA, National PTA, American Jewish Committee, American Jewish Congress, Anti-Defamation League, National Association of Evangelicals, etc. This guide was developed by the Freedom Forum at our request. The two guidelines on developing partnerships with public schools and faith based communities will also generate interest.

The scope of the mailing, the timing of this release just before the Holidays when many schools have to deal with religious issues, and the recent Congressional debate over posting the Ten Commandments in schools, will in our opinion generate strong press interest. None of the guidelines deal with the contentious issue of creationism but Secretary Riley is well prepared to answer that question.

This comprehensive mailing is in many ways the culmination of a great deal of work that has been done over the past five to six years by many religious leaders and educators to find a new common ground when it comes to religion and public schools.

Should you have interest either of can be reached at 401-3026

c.c. Ann O'Leary
Maureen Shea
Kris Bladerston



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DRAFT



Guidelines for Volunteers and Mentors participating in Partnerships between public schools and faith-based communities

Faith communities can be of great support to the efforts of local schools and families when it comes to the education of America's children. This is why we encourage faith communities to take a positive role in supporting children's learning in partnership with public schools. Members of faith communities, for example, can act as tutors and mentors to help children learn to read and write and they can also work with other members of the community to ensure the safety of children in positive after-school activities.

However, it is not appropriate for members of faith communities to use their involvement in public schools as an occasion to endorse religious activity or doctrine or encourage participation in a religious activity. Adults who choose to volunteer in public schools must respect both the rules established by the school and the strong constitutional protections that children have from becoming a "captive audience."

In August of 1995 the U.S. Secretary of Education Richard Riley released guidelines entitled *Religious Expression in Public Schools: A Statement of Principles*. These guidelines were released again in June, 1998, and most recently in December of 1999. In his original cover letter to these guidelines, Secretary Riley emphasized that the guidelines for religious expression in public schools reflect two basic and equally important obligations of the First Amendment.

"First, schools may not forbid students acting on their own from expressing their personal religious views or beliefs solely because they are of a religious nature. Schools may not discriminate against private religious expression by students, but must instead give students the same right to engage in religious activity and discussion, as they have to engage in other comparable activity. At the same time, schools may not endorse religious activity or doctrine, nor may they coerce participation in religious activity.....The right of religious expression in school does not include the right to have a 'captive audience' listen, or to compel other students to participate".

When members and leadership of faith communities volunteer in schools or volunteer to work with students and their families, they should and must act with the same understanding of the First Amendment as school officials. A volunteer's faith may have motivated him or her to participate in the school volunteer program, but the Constitution does not allow the volunteer to infringe on the religious freedom and beliefs of the students they are helping.

An adult who acts as a "mentor" may not, for example, seek in any way to encourage or discourage the religious faith of the student who they are mentoring for educational purposes. A religious leader who is asked by school officials to participate in "crisis counseling" should respond to the direct concerns of the students at a time of great sensitivity. At the same time, a religious leader can not use the occasion to proselytize on behalf of their own faith or encourage a student to attend next week's service.

When public schools develop partnerships with religious communities as described in *Public Schools & Religious Communities: A First Amendment Guide* they must ensure that partnership activities have a secular purpose. The following is a helpful "checklist" for school officials and members and leaders of faith communities who are developing or participating in educational partnerships. This checklist should be seen and used as a companion piece to *Public Schools & Religious Communities: A First Amendment Guide*.

Partnerships Between Public Schools And Religious Communities

Public schools forming partnerships with religious groups to enhance the education or safety of children should consider and adhere to the following in developing and supporting such activities:

Things to Do:

- - -Make sure the program has a secular purpose.
- - -In selecting partners remain neutral between secular and religious groups and among religious groups.
- - -Select student participants without regard to the religious affiliation of the students.
- - -Make sure any services provided by the public school or on public school property are purely secular.
- - -Make sure any space used for the program is safe and secure for children.
- - -Make sure any space used by the public school for instructional purposes is free of religious symbols.
- - -Put the partnership agreement in writing.

Things Not to Do:

--- Do not limit participation in the partnership, or student selection, to religious groups or certain religious groups.

--- Do not encourage or discourage student participation with particular partners based on the religious or secular nature of the organization.

-- -Do not encourage or discourage students from engaging in religious activities at their own initiative.

-- -Do not condition student participation in any partnership activity on membership in any religious group, or on acceptance or rejection of any religious belief, or on participation in, or refusal to participate in, any religious activity.

-- -Do not reward or punish students (e.g., in terms of grades or participation in other activities) based on their willingness to participate in any activity of a partnership with a religious organization.

-- -Do not pay for any religious activities with public funds.

VOLUNTEERS NEED TO BE REMINDED

Volunteers always need to be thanked for their willingness to volunteer their time to help children learn. At the same time, it is very important to remind volunteers from faith communities that the purpose of any partnership is educational and secular in nature, not religious and that volunteers must respect the very strong First Amendment Rights of students.

--- Do not pray with the students and families or encourage them to pray during your volunteer session with them.

--- Do not preach about your faith to the children and their families while conducting your educational activity.

--- Do not prohibit or discourage speech or other activity simply because of its religious content or nature.

--- Do not infringe on the rights of students and their family members to speak about religion or to say a prayer or to read a Scripture, provided it is within the reasonable limits of rules for orderliness, talking, and congregating that are set for other speech and activities.

Public schools, and the programs operated in partnership with them, can neither foster religion nor preclude it. Our public schools must treat religion with fairness and respect and vigorously protect religious expression as well as the freedom of conscience of all students. Volunteer mentors and tutors must uphold these Constitutional protections when assisting children in the public school setting. In doing so, public school programs reaffirm the First Amendment and enrich the lives of their students.

Resources from the U.S. Department of Education (1-877-4ED-PUBS):

- *Religious Expression in Public Schools: A Statement of Principles*
- *How Faith Communities Support Children's Learning in Public Schools*
- *Faith Communities Joining Local Communities to Support Children's Learning: Good Ideas*
- *Guidelines for Volunteers and Mentors participating in partnerships with faith-based communities*

Resources available from the Freedom Forum First Amendment Center (615-321-9588)

- *Public Schools & Religious Communities: A First Amendment Guide*
- *A Teacher's Guide to Religion in the Public Schools*
- *A Parent's Guide to Religion in the Public Schools*

For a list of organizations that can answer questions about religious expression in public schools, consult *Religious Expression in Public Schools: A Statement of Principles*, pages 11-12.

DRAFT

How Faith Communities
Support Children's
Learning in Public Schools

U.S. Department of Education
October 1999

Richard W. Riley
U.S. Secretary of Education

Marshall S. Smith
Acting Deputy Secretary

Terry Peterson
Counselor to the Secretary

Michelle L. Doyle
Liaison to the Religious Community

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FIRS 1-800-877-8339, 8 a.m. – 8 p.m., ET, M-F

This publication includes descriptions of resources relevant to the mission of the Partnership for Family Involvement in Education and does not constitute an endorsement by the U.S. Department of Education.

How Faith Communities Support Children's Learning in Public Schools

There is a new and growing tone of civility. That's good for America and good for public education. Our public schools should not be the public space for a war on values. When you put schools in the middle, education loses. This is why I am encouraged when people of faith reach out to each other and act on their faith and help raise our children.

Secretary of Education Richard W. Riley

Religion and Education Summit, St. Petersburg, Florida
September 19, 1997

Faith communities, in reaching out and connecting to families and children, often become involved in education in their local community. When Secretary of Education Richard Riley issued the guide of Religious Expression in Public Schools, he opened the door to education partnerships with faith communities as another effective way to support children's learning.

Across the nation, excellent examples abound of the positive impact that faith communities have in encouraging and enabling families and communities to be involved in children's learning. Many faith communities partner with schools to provide tutoring, safe havens, after-school programs, mentoring, and summer activities. Faith communities often inspire their membership to volunteer in behalf of children, youth, and families in the nation's schools. In this way, community groups, businesses, family organizations, and local government agencies join the partnership, resulting in a broad-based effort to help educate children.

Following are examples of faith communities at work in a variety of areas that support children's learning.

After-school Programs

Faith community leaders can help students stay safe and be productive during the after-school time by starting or supporting extended learning programs in local schools and communities. Such programs provide wholesome activities and help schools and childcare facilities open before and after school and in the summer as community learning centers. By sponsoring alcohol- and drug-free activities, and by providing extracurricular learning opportunities, mentors, internships, and community service work, faith communities are making a difference for youth in their community.

The following are examples of partnerships involving faith communities in activities that support children, youth and families during the after-school hours:

Shiloh Baptist Church (Washington, DC)

Shiloh Baptist Church established a Family Life Center to strengthen and nurture families in the surrounding community, bringing them together for educational, cultural, and recreational activities. One of their educational programs is the Male Youth Enhancement Project, designed to stimulate healthy lifestyles in African American males ages 8-15 by providing positive role models, socialization activities, and educational enrichment. Shiloh/Seaton Elementary School Partnership creates mutual support activities for the children served by the school and the church. The partnership has established a reading tutorial program for children attending Seaton, staffed by volunteers from Shiloh.

(Contact: Rev. Justus Reeves, education director, Shiloh Baptist Church, 202/232-4200)

Johns Hopkins Community Learning Center

Several years ago, racial unrest in the Jordon Park area of St. Petersburg, Florida brought to the forefront an issue of which many in the community were aware: their youth needed support and attention, particularly in the after-school hours. The Interdenominational Ministerial Alliance (IMA), a coalition formed 24 years earlier, formulated the Urban Fellowship Mentoring,

Tutoring, and Enrichment Program. Pursuing ways to make the after-school hours safe and productive for their young people, the Urban Fellowship Program approached the Pinellas County Schools with ideas and together they found other partners to make their dream a reality. Today, the Urban Fellowship Program, Pinellas County Schools, Juvenile Welfare Board, the National Conference on Community and Justice, and the University of South Florida are partners in a 21st Century Community Learning Center grant, operating the John Hopkins Community Learning Center which provides safe and beneficial after-school and summer activities to middle school youth in Jordon Park. (Contact: Elder Martin Rainey, director, Interdenominational Ministerial Alliance, 813/866-2589)

School Safety

The great majority of America's public schools effectively provide for the safety of children and youth on school grounds. But much remains to be done to make all schools equally safe and to provide for the safety of children in their homes, their communities, and in their passage to and from school. In this time of concern—and even some fear—faith-communities can build young people's sense of hope and security by helping parents slow down their lives in order to stay close to their children, particularly during the difficult teenage years, and by helping youth become a part of their communities.

The following examples show the promising effects partnerships can have on their communities in the area of school safety:

Chicago Public Schools Interfaith Community Partnerships

This multicultural interfaith group of religious leaders, brought together by Superintendent Paul Vallis, forms a network assisting local schools in addressing crises in and around the schools, such as student discipline problems, truancy and low attendance rates, school safety concerns, student and staff attitudes, and self-esteem. The partnership provides crisis intervention, workshops for parents, character education and values curriculum development, expansion of local school partnerships, safety escorts, sponsorship of radio and TV interviews with public school staff to promote Chicago Public School initiatives, and coordination of a crisis support fund. (Contact: Rev. Dr. Janette Wilson, director, Chicago Interfaith Partnership, 773/533-2140)

The National Conference on Community and Justice

The NCCJ in the Tampa Bay region operates Camp Anytown to foster understanding and cooperation among students from diverse backgrounds. Students exposed to this multicultural experience become better prepared to assume leadership roles in U.S. society. Sponsored in cooperation with the school systems of the area, Camp Anytown prepares student participants to organize multicultural clubs in their own schools and participate in monthly follow-up meetings. (Contact: H. Roy Kaplan, executive director, National Conference for Community and Justice Tampa Bay Region, 813/636-8851)

Youth and Police in Partnership

This partnership, sponsored by the United Methodist Church Urban Services, supports neighborhood-based youth initiatives in problem solving, public safety, and trust building. The goal is to bring the resources of the religious community and its members to bear on inner city problems. Through collaborations between successful adults, youth, police and other agencies, the partnership is achieving its goal. Youth and police work together, using a problem-solving methodology, to make their respective neighborhoods safe, clean, attractive, and productive. (Contact: Rev. Wesley Williams, United Methodist Urban Services, 617/266-2122)

College Planning

For years, the college-going rate of lower-income students has lagged far behind the rates for students from higher-income families. Much of the problem stems from the fact that many lower-income families do not know how to plan for a college education, often because they simply never have done it before. Faith communities can play an important role in this process. Through leadership and youth activity programs, faith communities can echo the high standards that schools and families set for students, encourage students to work hard and earn the best grades they can, connect them with mentors who will help them in their studies, and make sure that students and their families know about financial aid opportunities.

The example below illustrates how faith communities can be a key player in ensuring that every child has the opportunity to pursue his or her dreams:

Religion and Education Summit

A Religion and Education Summit, held at Spalding University in Louisville, Kentucky drew participants from across the state and from neighboring school districts in Ohio and Tennessee. This summit had as its goal bringing together faith communities, educators, and institutions of higher education to positively impact middle and high school students to work toward high standards and make realistic plans for postsecondary education. Kentuckiana Metroversity, a coalition of colleges, universities, and seminaries in the greater Louisville area, is coordinating follow-up activities to keep alive the excitement generated at the summit. (Contact: Sister Mary Angela Shaughnessey, Spalding University, 800/896-8941)

Reading

The America Reads Challenge, an initiative of the U.S. Department of Education, is a call to all adults—parents, educators, libraries, religious institutions, universities, college students, the media, community and national groups, cultural organizations, business leaders, and senior citizens—to help ensure that every child can read well and independently by the end of the third grade. Faith communities can play an important role in the America Reads Challenge by working with students who need extra help in learning to read. Members of faith communities can provide resources and encouragement to parents in their community, collect children's books to distribute to local families, be volunteers in an ongoing reading effort in the local community, connect to a public library's summer reading program, or begin a weekly family reading program held at the faith community's facility.

The reading programs outlined below give an idea of the high level of involvement by faith communities and their members in ensuring that every child receives the gift of reading:

Alexandria (VA) Tutoring Consortium

This partnership between the Alexandria Faith Community and the Alexandria Public Elementary Schools sets as its goal to tutor young children in reading through one-on-one discussion. A congregation-based coordinator recruits tutors and assists with scheduling; a school-based coordinator acts as the building point-of-contact. Working with the school's volunteer coordinator, the classroom teacher identifies children in need of tutoring and assists with scheduling the sessions. Tutoring materials are selected by the public schools, which also provide training for the volunteer tutors. The tutor and student meet three times per week for 30 minutes each time. The qualifications for tutors are a love of reading and a love of children. (Contact: The Alexandria Tutoring Consortium, 703/549-6670)

The National Jewish Coalition for Literacy

The National Jewish Coalition for Literacy has pledged to recruit 100,000 volunteers over five years in response to the America Reads Challenge. In most instances, the coalition works with existing literacy programs to support ongoing efforts. In a few communities, it has started new partnerships. The coalition has 27 affiliates in cities as diverse as Boston (MA), Hartford (CT), Louisville (KY), Atlanta (GA), and Seattle (WA). (Contact: Craig Sumberg, Executive Director, 212/545-9215)

Foundry United Methodist Church—

The Baltimore-Washington Conference of the United Methodist Church (UMC) began a summer reading program through Foundry United Methodist Church in Washington, DC, using the READ*WRITE*NOW! Program. Volunteers work with children from neighboring public schools during the summer months to provide a fun and enriching reading experiences. Both volunteers and children agreed that the program was a great success! Additionally, the Baltimore area UMC churches joined an existing literacy program to extend the services offered. (Contact: Marcus Matthews, Council Director, 800/492-2525, ext. 435)

Faith communities' involvement in these and other partnership activities can make a real difference to children, youth, and families. Religious Expression in Public Schools: A Statement of Principles, and the community, parent, and teacher guidelines built from it, outline the appropriate role that faith communities can play in strengthening education, in supporting local schools, in ensuring that all children—especially those most at risk—receive the tools they need to succeed, and in making the school and the community a safe place to live, work, and learn.

Please share your program with us so that we might share it with others. To tell us about your success or to learn more about partnerships in the community, call 1-800-USA-LEARN or visit the U.S. Department of Education's Partnership for Family Involvement in Education Web site at <http://pfie.ed.gov>.



**PRESIDENT CLINTON RELEASES NEW GUIDELINES OUTLINING POSITIVE ROLE
OF RELIGION IN PUBLIC SCHOOLS**

December 18, 1999

In today's weekly radio address, the President will announce a comprehensive set of religious guidelines to be sent to every public school in America. The guidelines contain information for parents, teachers, and faith communities on religious expression and on partnerships between schools and faith-based organizations. They are the culmination of the Administration's four-year effort to forge consensus on the role of religion in the schools. Decrying the polarizing rhetoric that has long defined this issue, the President will note that public schools and faith communities share many values and goals. He will urge them both to use the new guidelines to forge partnerships that pass constitutional muster and that can benefit all our children.

NEW GUIDANCE FOR TEACHERS, PARENTS, VOLUNTEERS AND FAITH COMMUNITIES. In 1995, at President Clinton's direction, the Department of Education sent every district in the country *Religion in the Public Schools: A Statement of Principles*. The guidelines the President is announcing today build upon those principles and encourage greater cooperation, within constitutional limits, between public schools and faith-based organizations. The guidelines will be mailed to every public school in the nation, and to leading religious organizations as well. The mailing is a joint effort of the Department of Education and the Freedom Forum's First Amendment Center, and the six publications in the packet are:

- *Religion in the Public Schools: A Statement of Principles*
- *A Parents Guide to Religion in the Public Schools*
- *A Teacher Guide to Religion in the Public Schools*
- *Public Schools and Religious Communities: A First Amendment Guide*
- *Guidelines for Volunteers Participating in Partnerships with Public Schools*
- *How Faith Communities Support Children's Learning in Public Schools*

PACKET HIGHLIGHTS HOW FAITH-BASED ORGANIZATIONS CAN SUPPORT LEARNING IN PUBLIC SCHOOLS. Faith-based organizations can and are playing an effective role in helping boost student learning and school success. The President today will argue that schools and faith communities should be reaching out to each other, in constitutional ways, to support their common goals for children and families. He will emphasize that schools should not be religion-free zones. The guidelines he is announcing highlight successful partnerships across the nation in after-school programs, school safety, discipline and student literacy. These range from mentoring programs jointly run by schools and interfaith groups to statewide summits on the role of faith-based groups in college preparation. Throughout, the guidelines emphasize both the protection of private religious expression in schools and the prohibitions against coerced student participation in religious expression.

ENDORSEMENTS BY EDUCATION, RELIGIOUS, AND CIVIL RIGHTS ORGANIZATIONS DEMONSTRATE EMERGING CONSENSUS. The guidance released today has been endorsed by a broad spectrum of organizations, including the National Association of Evangelicals, the National PTA, the American Jewish Congress, the Anti-Defamation League, The American Association of School Administrators and other faith-based and educational associations. The President today will characterize these endorsements as a sign of an emerging consensus on the role of religion in schools. He will also call on political leaders to resist the polarizing language of debates past and instead to help find common ground for appropriate collaborations between schools and faith communities.



THE SECRETARY OF EDUCATION
WASHINGTON, D.C. 20202

"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 to the
U.S. Constitution*

December 17, 1999

Dear Principal:

For many years one of the most sensitive and controversial matters that has divided Americans when it comes to public education has been the issue of religion in public schools.

Many Americans, unfortunately, came to believe that the 1962 Supreme Court decision disallowing state-sponsored school prayer meant no religious expression at all was permitted. They were mistaken, but little was done to fully inform concerned parents that the 1962 Supreme Court ruling did not preclude individual students, in their personal capacity, from expressing their religious faith. As a result, a great misunderstanding grew up over time and the issue of prayer and religious expression in public schools became increasingly divisive and polarizing.

In the last few years, new and promising efforts have been made to end this division about the proper place of religion in our nation's public schools. Educators, religious leaders of many faiths, and civil libertarians have worked together to review Supreme Court and other court decisions. In the process, these dedicated Americans have come to a new and deeper understanding of the proper place of religion in America's system of public education.

Leaders on both sides of this debate have lowered their voices, retreated from the polarizing language of the last three decades, and worked diligently together to find a new common ground. This effort is in the best tradition of our nation's Founding Fathers and reflects a wonderful respect for the basic idea that is America – that we are free people who protect our freedoms by respecting the freedoms of others who differ from us.

These educators, religious leaders, and civil libertarians see our nation's Bill of Rights as something more than a piece of dry, old parchment on display in our National Archives. They recognize that each generation must do its part to explain fully how the First Amendment protects the rights of students to express their religious faith and/or their freedom of conscience.

It is in that spirit that I am sending you a set of guidelines that you can use to inform students, parents, teachers, and other members of the community about the proper way to treat religion and religious topics in our nation's public schools. The guidelines cover a broad range of topics from how to teach about religion to how to properly develop partnerships with community-based groups, including faith-based organizations, as part of a broad effort to improve education in our public schools.

The guidelines clearly indicate that the religious rights of students and their right to freedom of conscience do not stop at the schoolhouse door. President Clinton may have said it best:

“For more than 200 years, the First Amendment has protected our religious freedoms and allowed many faiths to flourish in our homes, in our work place and in our schools. Clearly understood and sensibly applied, it works.”

The essence of all of these guidelines is the balanced nature of the First Amendment regarding religious expression that is rooted in two basic and equally important principles. First, schools must protect the right of individual students, in their personal capacity, to express their religious faith, or to speak about religious matters, to the same extent they are permitted to engage in nonreligious expression, or to speak about nonreligious topics.

Second, schools must refrain from government-sponsored religious activities, and from adopting or expressing any preference for or against religious expression by students speaking in their personal capacity.

Teachers, principals, and others in authority in a school must give students the same right in their personal capacity to engage in religious activity and discussion, as they have to engage in any other comparable activity. For example, students may read their Bible or other scriptures, say grace before meals, or pray before tests to the same extent they may engage in comparable, nondisruptive activities.

At the same time, school officials may not endorse or favor religious activity or doctrine, coerce participation in religious activity, or seek to impose their religious beliefs on impressionable children. Public schools may teach about religion – for example, in classes on history, music, the arts, or comparative religion, the Bible (or other scripture)-as-literature, the role of religion in history – but public schools may not provide religious instruction.

In protecting students from government-sponsored prayer, the First Amendment also shields students of all faiths from any effort by a majority faith to define how religion should be expressed in a public school. The right to engage in personal 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. We are a nation of many religious faiths and we must be vigilant in protecting the right of all students to express their religious faith in their own way, in addition to expressing their freedom of conscience not to participate in religious activities.

Some have suggested that the federal government has been an enemy of religion. I believe otherwise. I know that President Clinton and Vice President Gore have gone out of their way to encourage the growing effort to find a new common ground regarding religious expression in our nation's public schools. I am pleased to be part of this effort as well.

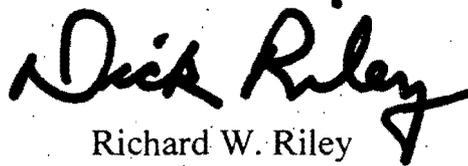
After more than 30 years of division on this most sensitive of subjects, I believe we are finding a positive way to bring people together and that's good for education. I hope public officials, at all levels of government, will support this growing effort to find common ground and retreat from the

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polarizing language of the past. Our public schools should not be the public space for a war on values but the public space where we educate our children, help them to build good character, and teach them about the many freedoms, including the freedom of religion, that are embodied in our nation's Constitution.

All of the documents in this packet are freely available from either the U.S. Department of Education or the Freedom Forum First Amendment Center. The full text of all of these publications is available through the U.S. Department of Education's Web site (www.ed.gov). I encourage you to read these documents carefully and make them available to teachers, other staff, parents and students. Thank you for your cooperation.

Yours sincerely,

A handwritten signature in black ink that reads "Dick Riley". The signature is written in a cursive, slightly slanted style. The first name "Dick" is written in a larger, more prominent script than the last name "Riley".

Richard W. Riley

Education Q & A
Religious Guidelines Radio Address
December 18, 1999

Q: What is the President announcing in the weekly radio address?

A: The President is announcing the release of a comprehensive packet of guidelines on the role of religion in the public schools that will be mailed to every public school in America, as well as to prominent national religious organizations. This information is the culmination of four years of work on this issue, begun in 1995 when the President directed Secretary of Education Riley to provide every school district in America with a statement of principles on religious expression. The packet contains information for teachers, parents, administrators and faith communities on issues of religious expression, teaching about religion, and partnerships between public schools and faith-based organizations.

Q: Who developed the packet and what is in it?

A: The mailing is a joint effort of the Department of Education and the Freedom Forum's First Amendment Center. The six publications in the packet are:

- *Religion in the Public Schools: A Statement of Principles*
- *A Parent's Guide to Religion in the Public Schools*
- *A Teacher's Guide to Religion in the Public Schools*
- *Public Schools and Religious Communities: A First Amendment Guide*
- *Guidelines for Volunteers Participating in Partnerships with Public Schools*
- *How Faith Communities Support Children's Learning in Public Schools*

Q: A number of Republicans have called for the posting of the Ten Commandments as an antidote to youth violence. Is this the Administration's response?

A: No. The packet is a proactive attempt to put out practical information and guidance on the role of religion in schools. President Clinton and Secretary Riley have a long history of working with religious organizations. The guidelines reflect the President's belief that public schools and faith organizations, while different, share many of the same goals for our children and families. The guidelines show the possibilities of bringing together schools and faith communities to build find common ground and build partnerships that pass Constitutional muster.

As for the Ten Commandments, if individual students want to bring the Ten Commandments with them to school every day and read them, they can. What a public school cannot do is put the Ten Commandments up on a wall or bulletin board or tell students they have to read them every day.

Q: Do the guidelines provide information on creationism and evolution?

A: No. The guides focus more broadly on what is allowed and what is prohibited based on the law. The teacher's guide on religion, for instance, describes how a broad treatment of religion can be taught in the classroom and discusses the appropriate role for religious expression in schools, but does not address specific curricular questions.

Q: The Supreme Court has a case pending on prayer before high school football games. Do the guides address this issue? What is the Administration's position?

A: The guide doesn't address this issue. In general, the guidance focuses on areas of consensus, not where there is conflicting court precedent or a case pending. On this particular case, it is my understanding that the Solicitor General is considering at the present whether to file an amicus brief in that case.



UNITED STATES DEPARTMENT OF EDUCATION

PUBLIC AFFAIRS

OFFICE OF THE DIRECTOR

September 8, 1999

Memorandum to: Secretary Richard Riley
Ann Lewis
✓ Bruce Reed

From: David Frank D.F.
Kevin Sullivan

Subject: Religion in Public Schools

Handwritten signature
Edw - Religion

In the last six weeks we have been developing and updating at the request of Ann Lewis a series of guides and documents that can help educators and teachers address the subject of religion in public schools. Our purpose in developing these documents in conjunction with the Freedom Forum is to make sure that every school in the country is aware that a "comprehensive" package of documents is available to them.

We are planning an initial printing of 150,000 and we propose sending a packet to every school in the country (100,000) that includes all the documents with a cover letter from Secretary Riley. Two of the documents are from the Department. Three documents were written by Charles Haynes, the Senior Scholar at the First Amendment Center of the Freedom Forum, and of these two were written at our request. The Freedom Forum very generously is spending \$90,000 to cover the cost of printing 3 of the documents. The package includes the following:

(1) A Teacher's Guide to Religion in Public Schools

This document has been drafted at our request by Charles Haynes of the Freedom Forum and has been vetted by both the Department of Justice Office of Legal Counsel as well as our Office of the General Counsel. This document has received the endorsement of 16 major educational and religious groups including the NEA, AFT, NSBA, the American Jewish Congress, The Christian Legal Society and the National Association of Evangelicals. This document would be the "new" deliverable. It does not speak to the issue of creationism.

(2) A Parents Guide to Religion in Public Schools

This document was written at our request in 1995 and published jointly by the Freedom Forum and the National PTA. It has just been updated to reflect the Supreme Court's decision in **Boerne v. Flores** which declared the Religious Freedom Restoration Act unconstitutional.

(3) *Public Schools & Religious Communities: A First Amendment Guide*

This is a Freedom Forum document that was released earlier this summer that was jointly published in conjunction with American Jewish Congress and the Christian Legal Society. The document is a guide for how religious communities can work with public schools without overstepping constitutional boundaries. Secretary Riley released a statement in support of this guide.

(4) *Religious Expression in Public Schools: A Statement of Principles*

This is the official Department of Education guide that was released in 1995 at the request of the President and revised in 1998 to reflect the Supreme Court's decision in *Boerne v. Flores*.

(5) *Partnerships: Faith Communities Supporting Public Education*

This is a Department document that provides specific examples of how faith communities are currently working to support public education.

In addition we have a small pamphlet entitled **American Legacy: The United States Constitution & other Essential Documents of American Democracy** that we could add to the mix to make the direct and symbolic connection that the various religious guides in the mailing are linked to and reflect the U.S. Constitution.

This proposed mailing would be different than past efforts to address religion in public schools in several ways. First, it would be more comprehensive and give all parts of education community -- parents, educators, faith-based communities -- specific guidelines tailored to their needs. Second, in an effort to reach a broader audience of teachers and principals we propose sending the entire package to every school in the country. In the past, we have only mailed our "Religious Expression in Public Schools" guide to school district superintendents in 1995 and 1998.

ps
~~CONFIDENTIAL/NOT FOR GENERAL CIRCULATION~~
~~DRAFT/September 3, 1999~~

A Teacher's Guide to Religion in the Public Schools

*"Congress shall make no law respecting an establishment of religion,
or prohibiting the free exercise thereof..."*

Religion Clause of the First Amendment to the U.S. Constitution

A Teacher's Guide to Religion in the Public Schools
is published by:
The First Amendment Center

The guide has been endorsed by the following organizations:

American Federation of Teachers
American Jewish Congress
Association for Supervision and Curriculum Development
Baptist Joint Committee on Public Affairs
Christian Educators Association International
Christian Legal Society
Council on Islamic Education
National Association of Evangelicals
National Association of Secondary School Principals
National Council for the Social Studies
National Council of Churches of Christ in the U.S.A.
National Education Association
National PTA
National School Boards Association
Union of American Hebrew Congregations
Union of Orthodox Jewish Congregations of America

Each day millions of parents from diverse religious backgrounds entrust the education of their children to the teachers in our nation's public schools. For this reason, teachers need to be fully informed about the constitutional and educational principles for understanding the role of religion in public education.

This teacher's guide is intended to move beyond the confusion and conflict that has surrounded religion in public schools since the early days of the common school movement. For much of our history, extremes have shaped much of the debate. On one end of the spectrum are those who advocate promotion of religion (usually their own) in school practices and policies. On the other end are those who view public schools as religion-free zones. Neither of these approaches is consistent with the guiding principles of the Religion Clauses of the First Amendment.

Fortunately, however, there is another alternative that is consistent with the First Amendment and broadly supported by many educational and religious groups. The core of this alternative has been best articulated in *Religious Liberty, Public Education, and the Future of American Democracy*, a statement of principles issued by 24 national organizations. Principle IV states:

Public schools may not inculcate nor inhibit religion. They must be places where religion and religious conviction are treated with fairness and respect. Public schools uphold the First Amendment when they protect the religious liberty rights of students of all faiths or none. Schools demonstrate fairness when they ensure that the curriculum includes study *about* religion, where appropriate, as an important part of a complete education. i

The questions and answers that follow build on this shared vision of religious liberty in public education to provide teachers with a basic understanding of the issues concerning religion in their classrooms. The advice offered is based on First Amendment principles as currently interpreted by the courts and agreed to by a wide range of religious and educational organizations. For a more in-depth examination of the issues, teachers should consult *Finding Common Ground: A First Amendment Guide to Religion and*

*Public Education.*¹¹ This guide is not intended to render legal advice on specific legal questions; it is designed to provide general information on the subject of religion and public schools.

Keep in mind, however, that the law alone cannot answer every question. Teachers and administrators, working with parents and others in the community, must work to apply the First Amendment fairly and justly for all students in our public schools.

Teaching about Religion in Public Schools

1. Is it constitutional to teach about religion?

Yes. In the 1960s school prayer cases (that prompted rulings against state-sponsored school prayer and Bible reading), the U.S. Supreme Court indicated that public school education may include teaching about religion. In *Abington v. Schempp*, Associate Justice Tom Clark wrote for the Court:

It might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment.

2. Why should study about religion be included in the curriculum?

Growing numbers of educators throughout the United States recognize that study about religion in social studies, literature, art, and music is an important part of a well-rounded education. "Religion in the Public School Curriculum: Questions and Answers," issued by a coalition of 17 major religious and educational organizations—including the Christian Legal Society, the American Jewish Congress, the National Education Association, the American Federation of Teachers, the American Association of School Administrators, the Islamic Society of North America, the National Council for the Social Studies, the Association for Supervision and Curriculum Development, the Baptist Joint

Committee on Public Affairs, the National Association of Evangelicals, and the National School Boards Association—describes the importance of religion in the curriculum thus:

Because religion plays a significant role in history and society, study about religion is essential to understanding both the nation and the world. Omission of facts about religion can give students the false impression that the religious life of humankind is insignificant or unimportant. Failure to understand even the basic symbols, practices, and concepts of the various religions makes much of history, literature, art, and contemporary life unintelligible.

Study about religion is also important if students are to value religious liberty, the first freedom guaranteed in the Bill of Rights. Moreover, knowledge of the roles of religion in the past and present promotes cross-cultural understanding essential to democracy and world peace.

A number of leading educational groups have issued their own statements decrying the lack of discussion about religion in the curriculum and calling for inclusion of such information in curricular materials and in teacher education.

Three major principles form the foundation of this consensus on teaching about religion in public schools:

1. As the Supreme Court has made clear, study *about* religion in public schools is constitutional.
2. Inclusion of study about religion is important in order for students to be properly educated about history and cultures.
3. Religion must be taught objectively and neutrally. The purpose of public schools is to educate students about a variety of religious traditions, not to indoctrinate them into any tradition.

3. Is study about religion included in textbooks and standards?

"Knowledge about religions is not only characteristic of an educated person, but is also absolutely necessary for understanding and living in a world of diversity."

National Council for the Social Studies

Agreement on the importance of teaching about religion has begun to influence the treatment of religion in textbooks widely used in public schools, as well as state

frameworks and standards for the social studies. The current generation of history textbooks mention religion more often than their predecessors, and, in world history, sometimes offer substantive discussions of religious ideas and events.

State frameworks and standards are also beginning to take religion more seriously. Most state standards in the social studies require or recommend teaching about religion through specific content references and general mandates, and many also include such references in fine arts and literature standards. In California, for example, the History-Social Science Framework and the new History-Social Science Content Standards require considerable study of religion. Students studying U.S. History in California are expected to learn about the role of religion in the American story, from the influence of religious groups on social reform movements to the religious revivals, from the rise of Christian fundamentalism to the expanding religious pluralism of the 20th century.

Teaching about religion is also encouraged in the *National Standards for History*, published by the National Center for History in the Schools. The elaborated standards in world history are particularly rich in religious references, examining the basic beliefs and practices of the major religions as well as how these faiths influenced the development of civilization in successive historical periods. While the U.S. history standards include religion less frequently, many historical developments and contributions that were influenced by religion are nevertheless represented.

Geography for Life: The National Geography Standards published by the Geography Standards Project, and the *National Standards for Civics and Government* published by the Center for Civic Education, include many references to teaching about religious belief and practice as historical and contemporary phenomena. Study of religion in the social studies would be expanded considerably if curriculum developers and textbooks writers were guided by these standards.

4. How should I teach about religion?

Encouraged by the new consensus, public schools are now beginning to include more teaching about religion in the curriculum. In the social studies especially, the question is no longer "Should I teach about religion?," but rather "How should I do it?"

The answer to the "how" question begins with a clear understanding of the crucial difference between the teaching *of* religion (religious education or indoctrination) and teaching *about* religion. "Religion in the Public School Curriculum," the guidelines issued by 17 religious and educational organizations, summarizes the distinction this way:

- The school's approach to religion is *academic*, not *devotional*.
- The school strives for student *awareness* of religions, but does not press for student *assimilation* of any religion.
- The school sponsors *study* about religion, not the *practice* of religion.

The school may *expose* students to a diversity of religious views, but may not *impose* any particular view.

- The school *educates* about all religions; it does not *promote* or *denigrate* religion.
- The school *informs* students about various beliefs; it does not seek to *conform* students to any particular belief.ⁱⁱⁱ

Classroom discussions concerning religion must be conducted in an environment that is free of advocacy on the part of the teacher. Students may, of course, express their own religious views, as long as they are germane to the discussion. But public-school teachers are required by the First Amendment to teach about religion fairly and objectively, neither promoting nor denigrating religion in general or specific religious groups in particular. When discussing religion, many teachers guard against injecting personal religious beliefs by teaching through attribution (e.g., by using such phrases as "most Buddhists believe..." or "according to the Hebrew scriptures...").

5. Which religions should be taught and how much should be said?

Decisions about which religions to include and how much to discuss about religion are determined by the grade level of the students and the academic requirements of the course being taught.

In the elementary grades, the study of family, community, various cultures, the nation, and other themes and topics may involve some discussion of religion. Elementary

students are introduced to the basic ideas and practices of the world's major religions by focusing on the generally agreed-upon meanings of religious faiths – the core beliefs and symbols as well as important figures and events. Stories drawn from various faiths may be included among the wide variety of stories read by students, but the material selected must always be presented in the context of learning *about* religion.

On the secondary level, the social studies, literature, and the arts offer opportunities for the inclusion of study about religions – their ideas and practices. The academic needs of the course determine which religions are studied. In a U.S. history curriculum, for example, some faith communities may be given more time than others but only because of their predominant influence on the development of the American nation. In world history, a variety of faiths are studied in each region of the world in order to understand the various civilizations and cultures that have shaped history and society. The overall curriculum should include all of the major voices, and some of the minor ones, in an effort to provide the best possible education.

Fair and balanced study about religion on the secondary level includes critical thinking about historical events involving religious traditions. Religious beliefs have been at the heart of some of the best and some of the worst developments in human history. The full historical record (and various interpretations of it) should be available for analysis and discussion. Using primary sources whenever possible allows students to work directly with the historical record.

Of course, fairness and balance in U.S. or world history and literature is difficult to achieve given the brief treatment of religious ideas and events in most textbooks and the limited time available in the course syllabus. Teachers will need scholarly supplemental resources that enable them to cover the required material within the allotted time, while simultaneously enriching the discussion with study of religion. Some schools now offer electives in religious studies in order to provide additional opportunities for students to study about the major faith communities in greater depth.

6. May I invite guest speakers to help with study about religion?

When teaching about religions in history, some teachers may find it helpful to invite a guest speaker for a more comprehensive presentation of the religious tradition

under study. Teachers should consult their school district policy concerning guest speakers in the classroom.

If a guest speaker is invited, care should be taken to find someone with the academic background necessary for an objective and scholarly discussion of the historical period and the religion being considered. Faculty from local colleges and universities often make excellent guest speakers, or can make recommendations of others who might be appropriate for working with students in a public-school setting. Religious leaders in the community may also be a resource. Remember, however, that they have commitments to their own faith. Be certain that any guest speaker understands the First Amendment guidelines for teaching *about* religion in public education, and is clear about the academic nature of the assignment.

7. How should I treat religious holidays in the classroom?

Teachers must be alert to the distinction between teaching about religious holidays, which is permissible, and celebrating religious holidays, which is not. Recognition of and information about holidays may focus on how and when they are celebrated, their origins, histories and generally agreed-upon meanings. If the approach is objective and sensitive, neither promoting nor inhibiting religion, this study can foster understanding and mutual respect for differences in belief. Teachers may not use the study of religious holidays as an opportunity to proselytize or otherwise inject personal religious beliefs into the discussion.

The use of religious symbols, provided they are used only as examples of cultural or religious heritage, is permissible as a teaching aid or resource. Religious symbols may be displayed only on a temporary basis as part of the academic lesson being studied. Students may choose to create artwork with religious symbols, but teachers should not assign or suggest such creations.

The use of art, drama, music or literature with religious themes is permissible if it serves a sound educational goal in the curriculum. Such themes should be included on the basis of their academic or aesthetic value, not as a vehicle for promoting religious belief. For example, sacred music may be sung or played as part of the academic study of music. School concerts that present a variety of selections may include religious music. Concerts

should avoid programs dominated by religious music, especially when these coincide with a particular religious holiday.

This advice about religious holidays in public schools is based on consensus guidelines adopted by 18 educational and religious organizations.^{iv}

8. Are there opportunities for teacher education in study about religion?

Teacher preparation and good academic resources are needed in order for study about religion in public schools to be constitutionally permissible and educationally sound.

The First Amendment Center supports initiatives in several regions of the country designed to prepare public-school teachers to teach about religion. The most extensive of these programs is the California 3Rs Project (Rights, Responsibilities, and Respect). Co-sponsored by the California County Superintendents Educational Services Association, the project has created a network of resource leaders and scholars throughout the state providing support for classroom teachers. Teachers trained by the project give workshops for their colleagues on the constitutional and educational guidelines for teaching about religion. Religious studies scholars from local colleges and universities are linked with school districts to provide ongoing expertise and periodic seminars on the religious traditions that teachers are discussing in the curriculum.

The Utah State Office of Education co-sponsors a Utah 3Rs project that is currently building a network of resource leaders in all of the state's school districts. Other states and districts have similar programs in various stages of development.^v

Harvard University and the University of Pennsylvania offer master's level programs that are excellent opportunities for both current and prospective public- and private-school teachers interested in learning more about the study of religion and religious-liberty issues in American public life.^{vi}

Other colleges and universities offer assistance to teachers, including in-service programs focused on teaching about religion. A notable example is the Religion and Public Education Resource Center at California State University - Chico. This center provides resources, including curriculum guides and sample lessons in several subject

areas.^{vi} Other organizations, such as the Council on Islamic Education, offer academic resources and workshops on teaching about specific religious traditions.^{viii}

9. What are good classroom resources for teaching about religion?

Teaching about religion in the public schools requires that sound academic resources be made readily available to classroom teachers. Fortunately, good classroom resources, especially in the social studies, are now available for helping teachers integrate appropriate study about religion.

Finding Common Ground: A First Amendment Guide to Religion and Public Education, published by the First Amendment Center, provides an extensive list of organizations and publishers that provide classroom resources for teaching about religion in public schools.

Two recent publications are examples of what is now available for study about religion in a secondary school classroom:

Religion in American Life is a 17-volume series written by leading scholars for young readers. Published by Oxford University Press, the series includes three chronological volumes on the religious history of the U.S., nine volumes covering significant religious groups (Protestants, Catholics, Jews, Orthodox Christians, Mormons, Muslims, Hindus, Buddhists, Native Americans and others), and four volumes addressing specific topics of special importance for understanding the role of religion in American life (women and religion, church-state issues, African American religion, and immigration).^{ix}

Columbia University Press has published a CD-ROM entitled *On Common Ground: World Religions in America*. This multimedia resource uses text, primary sources, photographs, music, film, and the spoken word to bring alive the extraordinary religious diversity in the United States. Fifteen different religions in various regions of America are represented, from the long-established Christian, Jewish, and Native American traditions to the more recent arrivals such as Hinduism and Buddhism.^x

10. What is the relationship between religion and character education?

As discussed above, the First Amendment prohibits public-school teachers from either inculcating or inhibiting religion. Teachers must remain neutral concerning religion, neutral among religions and neutral between religion and non-religion. But this does not mean that teachers should be neutral concerning civic virtue or moral character.

Teachers should teach the personal and civic virtues widely held in our society such as honesty, caring, fairness, and integrity. They must do so without either invoking religious authority or denigrating the religious or philosophical commitments of students and parents.

When school districts develop a plan for comprehensive character education, they should keep in mind that the moral life of a great many Americans is shaped by deep religious conviction. Both the approach to character education and the classroom materials used should be selected in close consultation with parents and other community members representing a broad range of perspectives. When care is taken to find consensus, communities are able to agree on the core character traits they wish taught in the schools and how they wish character education to be done.

For guidance on how to develop and implement a quality character education program, contact the Character Education Partnership in Washington, D.C.²⁶

The Personal Beliefs of Teachers

11. May I pray or otherwise practice my faith while at school?

As employees of the government, public-school teachers are subject to the Establishment Clause of the First Amendment and thus required to be neutral concerning religion while carrying out their duties as teacher. That means, for example, that teachers do not have the right to pray with or in the presence of students during the school day.

Outside of their school responsibilities public-school teachers are free like other citizens to teach or otherwise participate in their local religious community. But teachers must refrain from using their position in the public school to promote their outside religious activities.

Teachers, of course, bring their faith with them through the schoolhouse door each morning. Because of the First Amendment, however, teachers who wish to pray or engage in other religious activities – unless they are silent – should do so outside the presence of students. If a group of teachers wishes to meet for prayer or scriptural study in the faculty lounge during their free time in the school day, we see no constitutional reason why they may not be permitted to do so as long as the activity is outside the presence of students and does not interfere with their duties or the rights of other teachers.

Teachers are permitted to wear non-obtrusive jewelry, such as a cross or Star of David. But teachers should not wear clothing with a proselytizing message (e.g., a “Jesus Saves” T-shirt).

12. How do I respond if students ask about my religious beliefs?

Some teachers prefer not to answer the question, stating that it is inappropriate for a teacher to inject personal beliefs into the discussion. Other teachers may choose to answer the question straightforwardly and succinctly in the interest of an open and honest classroom environment.

Before answering the question, however, teachers should consider the age of the students. Middle and high school students may be able to distinguish between a personal view and the official position of the school; very young children may not. In any case, the teacher may answer at most with a brief statement of personal belief – but may not turn the question into an opportunity to proselytize for or against religion. Teachers may neither reward nor punish students because they agree or disagree with the religious views of the teacher.

Religious Expression of Students

13. May students express religious views in public schools?

In *Religion in the Public Schools: A Joint Statement of Current Law*, thirty-five religious and civil liberties organizations give the following summary of the rights of students to express their faith in a public school:

Students have the right to pray individually or in groups or to discuss their religious views with their peers so long as they are not disruptive. Because the Establishment Clause does not apply to purely private speech, students enjoy the right to read their Bibles or other scriptures, say grace before meals, pray before tests, and discuss religion with other willing student listeners. In the classroom students have the right to pray quietly except when required to be actively engaged in school activities (e.g., students may not decide to pray just as a teacher calls on them). In informal settings, such as the cafeteria or in the halls, students may pray either audibly or silently, subject to the same rules of order as apply to other speech in these locations. However, the right to engage in voluntary prayer does not include, for example, the right to have a captive audience listen or to compel other students to participate.ⁱⁱⁱ

14. May students express religious views in their assignments?

Religious Expression in Public Schools, guidelines published by the U.S. Department of Education, offers the following guidance about religious expression in student assignments:

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. Such home and classroom work should be judged by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns identified by the school.ⁱⁱⁱ

15. How should public schools respond to excusal requests from parents?

In *A Parent's Guide to Religion in the Public Schools*, the National PTA and the First Amendment Center give the following advice concerning excusal requests:

Whenever possible, school officials should try to accommodate the requests of parents and students for excusal from classroom discussions or activities for religious reasons. If focused on a specific discussion, assignment, or activity, such requests should be routinely granted in order to strike a balance between the student's religious freedom and the school's interest in providing a well-rounded education.

If it is proved that particular lessons substantially burden a student's free exercise of religion and if the school cannot prove a compelling interest in requiring attendance, some courts may require the school to excuse the students.²⁷

16. May public schools accommodate students with special religious needs?

Public schools are sometimes asked to accommodate students with special religious needs or practices. Sensitive and thoughtful school officials may easily grant many of these requests without raising constitutional questions. Muslim students, for example, may need a quiet place at lunch or during breaks to fulfill their prayer obligation during the school day. Jehovah's Witnesses ask for their children to be excused from birthday celebrations. As long as honoring these requests is feasible, school officials should do so in the spirit of the First Amendment.

Administrators and teachers should not, however, be placed in the position of monitoring a child's compliance with a particular religious requirement. Enforcing religious obligations such as prayer, dietary restrictions, or wearing a head covering are the responsibility of parents, not teachers.

17. May students form extracurricular religious clubs?

The Equal Access Act passed by Congress in 1984 ensures that students in secondary public schools may form religious clubs, including Bible clubs, if the school

allows other "noncurriculum-related groups." The Act is intended to protect *student-initiated* and *student-led* meetings in secondary schools. According to the Act, outsiders may not "direct, conduct, control, or regularly attend" student religious clubs and teachers acting as monitors may be present at religious meetings in a nonparticipatory capacity only.²⁷

The U.S. Department of Education in *Religious Expression in Public Schools* gives the following guidance for interpreting the Equal Access Act:

The Equal Access Act is designed to ensure that, consistent with the First Amendment, student religious activities are accorded the same access to public school facilities as are student secular activities. Based on decisions of the Federal courts, as well as its interpretations of the Act, the Department of Justice has advised that the Act should be interpreted as providing, among other things, that

Student religious groups at public secondary schools have the same right of access to school facilities as is enjoyed by other comparable student groups. Under the Equal Access Act, a school receiving Federal funds that allows one or more student noncurriculum-related clubs to meet on its premises during noninstructional time may not refuse access to student religious groups.

A meeting, as defined and protected by the Equal Access Act, may include a prayer service, Bible reading, or other worship exercise.

A school receiving Federal funds must allow student groups meeting under the Act 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 noncurriculum-related student groups are allowed to use the school media. Any policy concerning the use of school media must be applied to all noncurriculum-related student groups in a nondiscriminatory manner. Schools, however, may inform students that certain groups are not school sponsored.

A school creates a limited open forum under the Equal Access Act, triggering equal access rights for religious groups, when it allows students to meet during their lunch periods or other noninstructional time during the school day, as well as when it allows students to meet before and after the school day.

18. May students distribute religious literature in school?

An increasing number of students are requesting permission to distribute religious literature on public-school campuses. According to the guidelines issued by the U.S. Department of Education:

Students have a right to distribute religious literature to their schoolmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities. Schools may impose the same reasonable time, place, and manner or other constitutional restrictions on distribution of religious literature as they do on nonschool literature generally, but they may not single out religious literature for special regulation.

¹ This shared vision of religious liberty in public education is remarkable both for who says it and for what it says. The National Education Association, the American Federation of Teachers, the National School Boards Association, the Association for Supervision and Curriculum Development, the National PTA and the American Association of School Administrators joins with the Christian Legal Society, the American Center for Law and Justice, and Citizens for Excellence in Education in asserting these principles. People for the American Way, the Anti-Defamation League and the Union of American Hebrew Congregations are on the list, as are the Council on Islamic Education and the Christian Educators Association International, and the Christian Coalition. Free copies are available through the First Amendment Center.

² *Finding Common Ground* is available at cost from the First Amendment Center. Call (615) 321-9588.

³ Based on guidelines originally published by the Public Education Religion Studies Center at Wright State University.

⁴ Free copies of "Religious Holidays and Public Schools: Questions and Answers" are available from the First Amendment Center.

⁵ For details about the "Rights, Responsibilities and Respect" programs, contact Marcia Beauchamp, Religious Freedom Programs Coordinator/First Amendment Center, Freedom Forum Pacific Coast Center, One Market St., Steuart Tower, 21st Floor, San Francisco, CA 94105, (415) 281-0900.

⁶ For more information about the Program in Religion and Secondary Education at Harvard University, contact The Divinity School, 45 Francis Ave., Cambridge, MA 02138. Attention: Nancy Richardson, Director. Inquiries about the Religion in Public Life Certificate Program at the University of Pennsylvania should be addressed to Janet Theophano, Associate Director, Master of Liberal Arts Program, College of General Studies, University of Pennsylvania, 3440 Market St., Suite 100, Philadelphia, PA 19104-3335.

⁷ Contact the Religion and Public Education Resource Center by writing to Dr. Bruce Grelle, Dept. of Religious Studies, California State University - Chico, Chico, CA 95929.

⁸ The Council on Islamic Education may be reached by calling (714) 839-2929.

⁹ For more information about the Oxford University Press series, *Religion in American Life*, call (800) 451-7556.

¹⁰ For more information about the CD-ROM *On Common Ground: World Religions in America*, call (800) 944-8648.

¹¹ The Character Education Partnership is located at 918 16th St., NW, Suite 501, Washington, DC 20006. Call (800) 988-8081. Web site: www.character.org

¹² *Religion in the Public Schools: A Joint Statement of Current Law* may be obtained by writing: "Religion in the Public Schools," 15 East 84th St., Suite 501, New York, NY 10028.

¹³ Copies of the U.S. Department of Education guidelines may be obtained by calling 1-800-USA-LEARN.

¹⁴ Copies of *A Parent's Guide to Religion and the Public Schools*, published by the National PTA and the First Amendment Center, are available free from the Center.

²⁷ The requirements of the Equal Access Act are described in detail in *Equal Access and the Public Schools: Questions and Answers*, a pamphlet sponsored by twenty-one religious and educational groups. The full text is available free from the First Amendment Center.



Guidelines for School Officials, Volunteers and Mentors Participating in Public School Community Partnerships

Children and schools gain a great deal when every part of a community comes together to support education. This is why we encourage the growing partnership efforts between our nation's public schools and families, community groups, faith-based communities and employers. In 1994, U.S. Secretary of Education Richard Riley began the Partnership for Family Involvement in Education (PFIE) with 40 organizations. Today, close to 6,000 groups and organizations are part of this dynamic and growing effort.

Every part of the community can do its part to encourage adults to take time out of their busy schedules to support the work of our nation's schools. Faith communities can be important participants in these partnerships. For example, members of faith communities can act as tutors and mentors to help children learn to read and write. They can also work with other members of the community to ensure the safety of children in positive after-school activities.

However, it is not appropriate for members of faith communities to use their involvement in public schools as an occasion to endorse religious activity or doctrine or to encourage participation in a religious activity. Adults who choose to volunteer in public schools must respect both the rules established by the school and the strong constitutional protections that children have from becoming a captive audience.

In August 1995, U.S. Secretary of Education Richard Riley, in consultation with Attorney General Janet Reno and at the direction of President Clinton, released guidelines entitled *Religious Expression in Public Schools: A Statement of Principles*. These guidelines were released again in June 1998, and most recently in December 1999. In his original cover letter to these guidelines, Secretary Riley pointed out that the guidelines for religious expression in public schools reflect two basic and equally important obligations of the First Amendment.

"First, schools may not forbid students acting on their own from expressing their personal religious views or beliefs solely because they are of a religious nature. Schools may not discriminate against private religious expression by students, but must instead give students the same right to engage in religious activity and discussion as they have to engage in other comparable activity... At the same time, schools may not endorse religious activity or doctrine, nor may they coerce participation in religious activity... [t]he right of religious expression in school does not include the right to have a 'captive audience' listen, or to compel other students to participate."

When members and leaders of faith communities volunteer in schools or volunteer to work with students and their families, they should and must act with the same understanding of the First Amendment as school officials have. A volunteer's faith may have motivated him or her to participate in the school volunteer program, but the Constitution does not allow the volunteer to infringe on the religious freedom and beliefs of the students being helped.

An adult who acts as a mentor may not, for example, seek in any way to encourage or discourage the religious faith of the student whom they are mentoring for educational purposes. Suggestions on the best ways to recruit, screen and support mentors can be found in *Yes You Can: Establishing Mentoring Programs to Prepare Youth for College*, a 1998 publication produced by the Department.

A religious leader who is asked by school officials to participate in crisis counseling should respond to the direct concerns of the students at a time of great sensitivity. At the same time, a religious leader cannot use the occasion to proselytize on behalf of his or her own faith or encourage a student to attend the following week's service.

When public schools develop partnerships involving religious communities they must do so with particular care. The following is a helpful checklist for school officials and members and leaders of faith communities who are developing or participating in educational partnerships. This checklist should be seen and used as a companion piece to *Public Schools & Religious Communities: A First Amendment Guide* (see Resources below). These guidelines only address partnership programs that are jointly sponsored by faith-based community groups and public schools. They do not apply to programs run solely by faith-based communities.

Partnerships Involving Public Schools And Faith-based Communities

Public schools forming partnerships including faith-based communities should consider and adhere to the following in developing and supporting such activities:

Things to Do:

Make sure the program has a secular purpose.

In selecting partners remain neutral between secular and religious groups and among religious groups.

Select student participants without regard to the religious affiliation of the students.

Make sure any jointly sponsored activities provided within the partnership program, wherever located, are purely secular.

Make sure any space used for the program is safe and secure for the children.

Make sure any space used by the public school for instructional purposes is free of religious symbols.

Put the partnership agreement in writing.

Things Not to Do:

Do not limit participation in the partnership, or student selection, to religious groups or certain religious groups.

Do not encourage or discourage student participation with particular partners based on the religious or secular nature of the organization.

Do not encourage or discourage students from engaging in religious activities.

Do not condition student participation in any partnership activity on membership in any religious group, or on acceptance or rejection of any religious belief, or on participation in, or refusal to participate in, any religious activity.

Do not reward or punish students (for example, in terms of grades or participation in other activities) based on their willingness to participate in any activity of a partnership with a religious organization.

VOLUNTEERS NEED TO BE REMINDED

Volunteers always need to be thanked for their willingness to volunteer their time to help children learn. At the same time, it is very important to remind volunteers from faith communities that the purpose of any partnership is educational and secular in nature, not religious, and that volunteers must respect the very strong First Amendment rights of students. Remind volunteers:

Do not pray with the students and families or encourage them to pray during your volunteer session with them.

Do not preach about your faith to the children and their families while conducting your educational activity.

Do not prohibit or discourage speech or other activity simply because of its religious content or nature.

Do not infringe on the rights of students and their family members to speak about religion or to say a prayer or to read a Scripture, provided it is within the reasonable limits of rules for orderliness, talking, and congregating that are set for other speech and activities.

Public schools, and the programs operated in partnership with them, can neither foster religion nor preclude it. Our public schools must treat religion with fairness and respect and vigorously protect religious expression as well as the freedom of conscience of all students. Volunteer mentors and tutors must uphold these constitutional protections when assisting children in the public school setting. In doing so, public school programs reaffirm the First Amendment and enrich the lives of their students.

Resources from the U.S. Department of Education (1-877-4ED-PUBS)

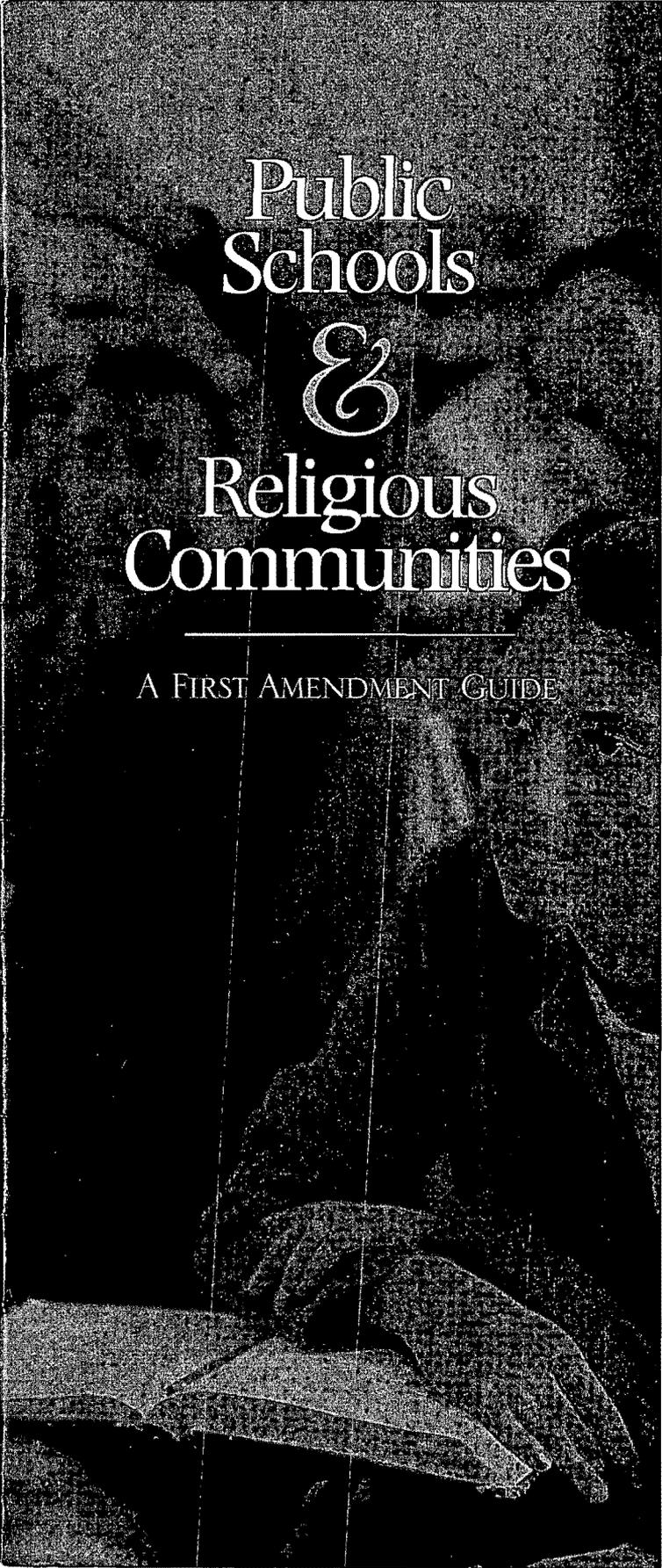
- *Religious Expression in Public Schools: A Statement of Principles*
- *How Faith Communities Support Children's Learning in Public Schools*
- *Faith Communities Joining Local Communities to Support Children's Learning: Good Ideas*
- *Guidelines for Volunteers and Mentors Participating in Partnerships with Faith-based Communities*
- *Yes, You Can: Establishing Mentoring Programs to Prepare Youth for College*

Information about the Partnership for Family Involvement in Education can be found at <http://pfie.ed.gov> or via e-mail at Partner@ed.gov.

**Resources from the Freedom Forum First Amendment Center
(615-321-9588)**

- *Public Schools & Religious Communities: A First Amendment Guide*
- *A Teacher's Guide to Religion in the Public Schools*
- *A Parent's Guide to Religion in the Public Schools*

For a list of organizations that can answer questions about religious expression in public schools, consult *Religious Expression in Public Schools: A Statement of Principles*, pages 11–12.



Public
Schools
&
Religious
Communities

A FIRST AMENDMENT GUIDE

"Public Schools and Religious Communities:
A First Amendment Guide" is published jointly by:

American Jewish Congress

Christian Legal Society

First Amendment Center

The guide has been co-signed by the
following organizations:

American Association of School Administrators

Association for Supervision and
Curriculum Development

Baptist Joint Committee on Public Affairs

Council on Islamic Education

National Association of Evangelicals

National Association of Elementary
School Principals

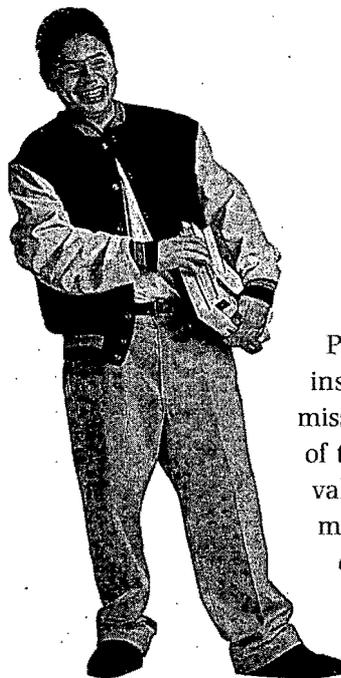
National Association of Secondary
School Principals

National Council of Churches of Christ
in the U.S.A.

National PTA

National School Boards Association

United States Catholic Conference



Public schools and religious institutions have different missions, but they share many of the same civic and moral values. Both are located in most neighborhoods, and each is committed within its own role to the well-being of children. By working together in ways that are

permissible under the First Amendment, as interpreted by the U.S. Supreme Court, schools and religious communities can do much to enhance the mission of public education.

Before any school district enters into a cooperative arrangement with any community organization, including religious groups, school officials must be confident that the group provides a safe and secure place for children. In addition, special constitutional considerations apply to cooperative arrangements with religious institutions. Under the First Amendment, public schools must remain neutral among religions and between religion and non-religion. By contrast, religious institutions exist to propagate religious faith and encourage religious practices.

Clearly, then, public schools must be careful when they work with religious institutions, because in important ways these institutions have differing commitments. Although some of the issues discussed here have not been authoritatively decided by the courts, we believe that the constitutional principles and guidelines outlined in this document will enable schools and religious groups to work together for the common good.

These guidelines focus on arrangements between public schools and religious institutions because of the special constitutional implications of those relationships. This focus is not meant to suggest that schools should only seek out religious institutions or that such institutions are preferred providers of assistance to public-school children. We urge schools to seek out a wide range of community organizations, religious and non-religious, without regard to their views on religious issues.

I. General Principles for Cooperative Arrangements

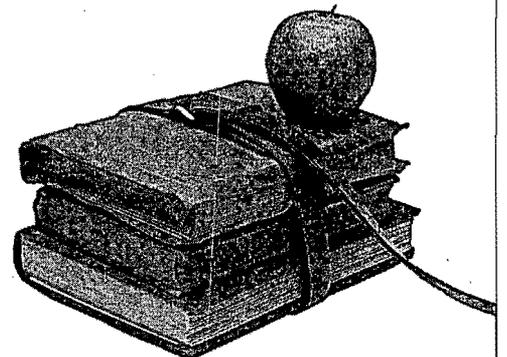
In these guidelines, a "cooperative arrangement" is defined as a shared participation in specific programs and activities in accordance with a written agreement. Before entering into a cooperative arrangement, public schools and religious communities should understand and accept the following principles:

1. Under the First Amendment, public schools must be neutral concerning religion in all of their activities. School officials must take the necessary steps to ensure that any cooperative activities that take place are wholly secular. Persons invited to address students during the school day shall be advised of this requirement and must agree to abide by it before being allowed access to students.
2. Students have the right to engage in, or decline to engage in, religious activities at their own initiative, so long as they do not interfere with the rights of others. School districts are urged to adopt policies that reflect recent consensus

statements on current law concerning religion in public schools. "Religion in the Public Schools: A Joint Statement of Current Law," the U.S. Department of Education's guidelines on "Religious Expression in Public Schools," and other consensus guidelines may be obtained by writing to the publishers of this brochure.

3. Cooperative programs between religious institutions and the public schools are permissible only if:

- Participation in programs is not limited to religious groups. That is, schools must be open to participation by all responsible community groups. Qualifications should not be established which have the practical effect of including only religious groups. Eligibility shall be stated in writing.
- A student's grades, class ranking or participation in any school program will not be affected by his or her willingness to participate or not participate in a cooperative program with a religious institution.
- Student participation in any cooperative program may not be conditioned on membership in any religious group, acceptance or rejection of any religious belief, or participation (or refusal to participate) in any religious activity.



II. Crisis Counseling

In times of sudden crisis (e.g., violent or accidental death of students or teachers), schools may call on a wide range of qualified counselors, including religious leaders, to assist school-employed counselors in helping children cope with the crisis at hand. Of course, religious leaders may not be the only grief counselors invited on campus during a crisis. Religious leaders may not otherwise be given routine access to students during the school day. Even when counseling to deal with a sudden crisis, religious leaders should remember that a public school is not a place for proselytizing or other overt religious activity.

To the extent that schools cooperate with adults who are important in a student's life (parents or other relatives, guardians, foster parents, social workers or neighbors) to help the child deal with school work, behavioral problems, or other issues, schools may also cooperate with an adult acknowledged by a student as his or her religious leader. However, a school may not in any way compel or coerce a student to speak to representatives of religious institutions.

III. Mentoring Programs

Public schools may cooperate with mentoring projects run by religious institutions provided that:

- Other community organizations are given an equal opportunity and are subject to the same secular selection criteria to operate such programs in partnership with the schools.
- Referrals are made without regard to a student's religious beliefs or lack of them.

- Participation in the program is not conditioned on mandatory participation, or refusal to participate, in religious programs operated by a religious institution.
- At no time do school officials encourage or discourage student participation in the religious programs of religious institutions.

IV. Shelters

In order to provide for the safety of students travelling to and from schools, the school district may ask local institutions (e.g., businesses, firehouses, religious institutions) to serve as temporary shelters for students who seek to avoid danger or threatening situations. The school shall provide signs indicating that the place is a shelter available for students.

V. School Use of Facilities Owned by Religious Institutions

Public schools may arrange to use the facilities of private landholders, including churches, temples, mosques, or other religious institutions. Of course, all such facilities must meet applicable health and safety codes. But if the arrangement involves the use of sanctuaries, playgrounds, libraries or other facilities owned by religious groups, then the following First Amendment guidelines must be followed:

1. The schools must have a secular educational purpose for seeking to use the facilities, such as after-school recreation, extended daycare, homework study hall, etc.

2. Where schools lease space from religious institutions for use as regular public-school classrooms, the leased space is in effect a public-school facility. Religious symbols or messages may not be displayed in the leased areas.
3. Cooperative programs using the facilities of religious institutions must not afford an actual opportunity for proselytizing by clergy, school employees, or adult volunteers of any school children during the school-affiliated program.
(Of course, the law is not violated if a cooperative program's use of a religious facility coincidentally results in a student gaining an interest in attending worship services there. But the law prohibits clergy from leading devotions as part of the school program.)
4. As stated above, religious symbols and messages may not be displayed in space leased from religious institutions for use as public-school classrooms. The rules are somewhat different for cooperative programs. A room bedecked with scriptural injunctions about repentance and salvation would not be appropriate for cooperative programs; a room with religious symbols or icons might well be.
5. School officials may neither select nor reject the use of a private religious facility based on the popularity or unpopularity of its religious teachings. Religion-neutral criteria should be employed, e.g., proximity to the schools in question; suitability of the facility for the intended use; health and safety; comparative expenses (if any); accessibility for parent pickup or busing.
6. The school's arrangement for use of a private religious facility should not involve

or necessitate an ongoing administrative entanglement between the school district and the religious institution, in which one party ends up exerting influence over the content, scheduling or staffing of the other's activities.

VI. Released-Time Religious Education

Public schools may allow students who have parental permission to leave campus during the school day for religious instruction. (Such released-time programs were ruled constitutional by the U.S. Supreme Court almost 50 years ago.) In released-time religious education, parents must give permission in advance for their child to be transported off campus during the school day to a place designated by participating religious institutions. The parent chooses which faith his or her child is to learn.

If a public school chooses to allow released time, the following guidelines must be observed:

1. The religious instruction must occur off campus, and the program must be wholly organized and run by the participating churches, mosques, synagogues, or other religious communities and not by the schools. The religious communities should make all arrangements for facilities,



transportation, instruction, insurance, parent information and permission, etc. The programs should not involve the expenditure of public funds.

2. In their words and actions, teachers and administrators may not encourage or discourage the participation of students or parents in released-time programs. Teachers should arrange their lesson plans so that students who participate in released-time religious education are not left at a disadvantage by missing instruction, tests, or class parties during that time. Neither should non-participating students be deprived of meaningful classroom activity. Schools must create neither incentives nor penalties for students to participate or not participate in released-time programs.
3. Parental permission must be a prerequisite for participation in any released-time program of religious instruction. To avoid use of government funds or personnel for religious indoctrination, only the religious community should print and only volunteers should distribute any information and parental permission forms to students, as well as take attendance.
4. Participating religious organizations should inform schools of the weekly attendance by each released student.
5. Schools may require liability insurance and other reasonable regulations relating to student health, education and safety, provided such regulations apply neutrally to all participating religious communities.

American Jewish Congress

The American Jewish Congress is an organization dedicated to protecting civil and constitutional rights. It has a special interest in protecting the separation of church and state and religious liberty.

AJCongress chaired the effort to draft and promulgate "Religion and the Public Schools: A Joint Statement of Current Law." In that effort it was joined by numerous other groups, including the Christian Legal Society. These guidelines on cooperative arrangements between religious communities and public schools grew out of a joint effort by CLS and AJCongress to provide guidance for the Chicago public school system as it sought to initiate a series of cooperative programs.

Christian Legal Society

Christian Legal Society is a national association of 3,500 Christian attorneys, law students, judges, and law professors in every state. CLS's legal information and advocacy arm, the Center for Law and Religious Freedom, has since 1975 defended all faiths from excessive government interference with their free exercise of religion.

CLS is indebted to the American Jewish Congress and the Freedom Forum First Amendment Center for their expertise and trailblazing cooperation in the efforts to find common ground, rather than battlegrounds, for the welfare of future generations.

First Amendment Center

The First Amendment Center at Vanderbilt University is an independent operating program of The Freedom Forum. The center's mission is to foster public understanding of and appreciation for First Amendment rights and values.

Through its Religious Freedom Programs, the Center helps schools and communities throughout the nation address issues concerning religion and values in public schools. The center publishes a number of First Amendment guidelines on religious liberty in schools, including "Finding Common Ground" and "Religious Liberty, Public Education, and the Future of American Democracy," a statement of principles sponsored by 24 educational and religious organizations.

For more information and additional copies of this guide, please contact:

American Jewish Congress

15 East 84th St.
New York, NY 10028
(212) 879-4500

Christian Legal Society

4208 Evergreen Lane, #222
Annandale, VA 22003-3264
(703) 642-1070

First Amendment Center

1207 18th Ave. S.
Nashville, TN 37212
(615) 321-9588
www.freedomforum.org

Congress shall make

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Public

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Schools

of speech, or of the press,

or the right of the people

peaceably to assemble,

and to petition the

National PTA

Government for a redress

FIRST AMENDMENT CENTER



FUNDED BY THE FREEDOM FORUM

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 or the right of the people
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or the right of the people
 and to petition the Government
 for a redress of grievances.
peaceably to assemble
 —First Amendment
 United States Constitution
and to petition the
Government for a redress
of grievances.



Parents are recognized as having the primary responsibility for the upbringing of their children, including education. For this reason, parents need to be fully informed about school policies and practices, including all issues concerning religion and religious liberty in public education.

The following questions and answers are intended to help parents understand the religious liberty rights of students and the appropriate role for religion in the public school curriculum. A number of recent documents represent a growing consensus among many religious and educational groups about the constitutional and educational role of religion in public schools.¹ This pamphlet is designed to build on these agreements and to encourage communities to find common ground when they are divided.

The following questions and answers provide general information on the subject of religious expression and practices in schools. The answers are based on First Amendment religious liberty principles as currently interpreted by the courts and agreed to by a wide range of religious and educational organizations. For a more in-depth examination of the issues, parents should consult the guide listed at the end of this publication. If parents have specific legal questions, the services of a qualified attorney should be sought.

Keep in mind, however, that the law alone cannot answer every question. Parents in each community must work with school officials to do not only what is constitutional, but also what is *right* for all citizens. The religious liberty principles of the First Amendment provide the civic framework within which we are able to debate our differences, to understand one another, and to forge school policies that serve the common good in public education.



Finding Common Ground

1 In our community we want to work together to address religion in schools issues. How do we go about finding common ground?

Parents and school officials in many local communities have had success finding common ground using the following strategies:

Include all of the stakeholders.

Because public schools belong to all citizens, they must model the democratic process and constitutional principles in the development of policies and curricula. Policy decisions by officials or governing bodies should be made only after appropriate involvement of those affected by the decisions and with due consideration of those holding dissenting views.

Listen to all sides.

If we are to build trust and to truly listen to one another, school officials must acknowledge what is valid about criticism of school policies and practices, particularly concerning the treatment of religion and religious perspectives. At the same time, parents with deep religious convictions need to acknowledge that the vast majority of public school administrators and teachers do not intend to be hostile to religion and want to be fair in their treatment of parents and students.

Work for comprehensive policies.

Many school districts contribute to confusion and distrust by having no policies concerning many of the issues addressed in this pamphlet. By working with parents to develop comprehensive policies, schools demonstrate the importance of taking religious liberty seriously.

Be pro-active.

School districts unprepared for controversy fare poorly when a conflict arises. Where there are no policies (or policies are not known or supported by parents), there is a much greater likelihood of lawsuits, shouting matches at school board meetings, and polarization in the community. A pro-active approach takes seriously the importance of articulating the proper role for religion and religious perspectives in the public schools. The resulting policies and practices create a climate of trust in the community and demonstrate the public schools' active commitment to the guiding principles of our democracy.

Commit to civil debate.

Conflict and debate are vital in a democracy. Yet, if we are going to live with our deepest differences, then *how* we debate, and not only *what* we debate, is critical. Personal attacks, name-calling, ridicule, and similar tactics destroy the fabric of our society and undermine the educational mission of our schools. All parties should treat one another with civility and respect and should strive to be accurate and fair. Through constructive dialogue, we have much to learn from one another.

Religious Liberty and Public Schools

2 Is there general agreement on how religious faith should be treated in public schools under the First Amendment?

Yes. In a recent statement of principles, a broad range of religious and educational groups agreed to the following description of religious liberty and public schools within the First Amendment framework:

Public schools may not inculcate nor inhibit religion. They must be places where religion and religious conviction are treated with fairness and respect.

Public schools uphold the First Amendment when they protect the religious liberty rights of students of all faiths or none. Schools demonstrate fairness when they ensure that the curriculum includes study *about* religion, where appropriate, as an important part of a complete education.²

Student Religious Expression

3 Does this mean that students may express their faith while in school?

Yes. Schools should respect the right of students to engage in religious activity and discussion.

Generally, individual students are free to pray, read their scriptures, discuss their faith, and invite others to join their particular religious group. Only if a student's behavior is disruptive or coercive should it be prohibited. No student should be allowed to harass or pressure others in a public school setting.

If doing so is relevant to the subject under consideration and meets the requirements of the assignment, students also have the right to express their religious views during a class discussion or as part of a written assignment or art activity.

Student Prayer

4 May students pray together in public schools?

Yes. Students are free to pray alone or in groups, as long as the activity is not disruptive and does not infringe upon the rights of others. These activities must be truly voluntary and student-initiated. For example, students are permitted to gather around the flagpole for prayer before school begins, as long as the event is not sponsored by the school and other students are not pressured to attend. Students do not have a right to force a captive audience to participate in religious exercises.

5 Didn't the Supreme Court rule against student prayer in public schools?

No. The Supreme Court has struck down *state-sponsored* or *state-organized* prayer in public schools. The Court has interpreted the First Amendment to mean that government must be *neutral* among religions and between religion and nonreligion. This means that school officials may not organize, mandate, or participate in student religious activities, including prayer. A moment of silence, however, may be led by school officials, as long as it does not promote prayer over other types of quiet contemplation.

6 Does this mean that students may offer prayers at graduation ceremonies?

Not necessarily. Lower courts are divided about whether a student may offer prayers at graduation exercises. Parents should seek legal advice about what rules apply in their state.

Some schools create a "free speech forum" at school-sponsored events, during which time students are free to express themselves religiously or otherwise. Such a forum, however, would have to be open to all kinds of speech, including speech critical of religion or the school.

Baccalaureate Services

7 What about baccalaureate services?

Although a public school may not sponsor religious baccalaureate ceremonies, parents, faith groups, and other community organizations are free to sponsor such services for students who wish to attend. The school may announce the baccalaureate in the same way it announces other community events. If the school allows community groups to rent or otherwise use its facilities after hours, then a privately sponsored baccalaureate may be held on campus under the same terms offered to any private group.

Teaching about Religion

8 Is it constitutional to teach about religion in public schools?

Yes. The Supreme Court has indicated many times that teaching about religion, as distinguished from religious indoctrination, is an important part of a complete education. The public school's approach to religion in the curriculum must be academic, not devotional.

Study about religion belongs in the curriculum wherever it naturally arises. On the secondary level, the social studies, literature, and the arts offer many opportunities for the inclusion of information about religions—their ideas and practices. On the elementary level, natural opportunities arise in discussions of the family and community life and in instruction about festivals and different cultures.

Religion may also be studied in special courses. Some secondary schools, for example, offer electives in "World Religions," "Bible as/in History or Literature," and "Religion in America."

Religious Holidays

9 How should religious holidays be treated in the schools?

Religious holidays offer opportunities to teach about religion in elementary and secondary schools. Teaching about religious holidays, which is permissible, is different from celebrating religious holidays, which is not. Study of holidays serves academic goals of educating students about history and cultures as well as about the traditions of particular religions.

The use of religious symbols as examples of religious or cultural heritage is permissible as a teaching aid or resource. Religious symbols should only be displayed on a temporary basis as part of the academic program.

Sacred music may be sung or played as part of a school's academic program. School concerts that present a variety of selections may include religious music: The use of music, art, drama, or literature with religious themes is permissible if it serves a sound educational goal in the curriculum, but not if used as a vehicle for promoting religious belief.

Excusal Requests

10 May students be excused from parts of the curriculum for religious reasons?

Whenever possible, school officials should try to accommodate the requests of parents and students for excusal from classroom discussions or activities for religious reasons. If focused on a specific discussion, assignment, or activity, such a request should be routinely granted in order to strike a balance between the student's religious freedom and the school's interest in providing a well-rounded education.

If it is proved that particular lessons substantially burden a student's free exercise of religion and if the school cannot prove a compelling interest in requiring attendance, some courts may require schools to excuse the student.

Student Religious Clubs

11 May students form religious clubs in public schools?

Under the federal Equal Access Act,³ secondary public schools receiving federal funds must allow students to form religious clubs if the school allows other noncurriculum-related clubs to meet during noninstructional time. "Noncurriculum-related" means any club not directly related to the courses offered by the school. Student religious clubs may have access to school facilities and media on the same basis as other noncurriculum-related student clubs.

The Equal Access Act protects the rights of students to form religious clubs. Outside adults may not direct or regularly attend meetings of such clubs. Teachers may be present at religious club meetings as monitors, but they may not participate in club activities.

Public schools are free to prohibit any club activities that are illegal or that would cause substantial disruption of the school.⁴

Student Religious Garb

12 May students wear religious garb and display religious symbols in public schools?

Yes. Students who must wear religious garb such as head scarves or yarmulkes should be permitted to do so in school. Students may also display religious messages on clothing to the same extent that other messages are permitted.

Distribution of Religious Literature

13 May students distribute religious literature in the schools?

Generally, students have a right to distribute religious literature on public school campuses subject to reasonable time, place, and manner restrictions imposed by the school. This means that the school may specify at what times the distribution may occur (e.g., lunch hour or before or after classes begin), where it may occur (e.g., outside the school office), and how it may occur (e.g., from fixed locations as opposed to roving distribution). These restrictions should be reasonable and must apply evenly to all non-school student literature.

Public schools may prohibit the distribution of some literature altogether. Some examples would be materials that are obscene, defamatory, or disruptive of the educational environment.

Released Time

14 May students be released for off-campus religious instruction during the school day?

Yes: The Supreme Court has long recognized that public schools may choose to create off-campus, released-time programs as a means of accommodating the needs of religious students and parents. The schools may not encourage or discourage participation or penalize students who do not attend.

Character Education

15 What is the relationship between religion and character education in public schools?

Parents are the first and most important moral educators of their children. Thus public schools should develop character education programs only in close partnership with parents and the community. Local communities need to work together to identify the core moral and civic virtues that they wish to be taught and modeled in all aspects of school life.⁵

In public schools, where teachers may neither promote nor denigrate religion, the core moral and civic values agreed to in the community may be taught if done so without religious indoctrination.³ At the same time, core values should not be taught in such a way as to suggest that religious authority is unnecessary or unimportant. Sound character education programs affirm the value of religious and philosophical commitments and avoid any suggestion that morality is simply a matter of individual choice without reference to absolute truth.

Endnotes

¹ One of these documents is a directive sent to school superintendents from the U.S. Department of Education. Copies of the U.S. Department of Education guidelines may be obtained by calling 1-800-USA-LEARN. Another document, "Religion in the Public Schools: A Joint Statement of Current Law," has been endorsed by a broad range of religious organizations. It is available by writing: "Religion in the Public Schools," 15 East 84th St., Suite 501, New York, NY 10028.

² For free copies of "Religious Liberty, Public Education, and the Future of American Democracy: A Statement of Principles," contact the First Amendment Center at Vanderbilt University.

³ See 20 United States Code Section 4071 to 4074.

⁴ For comprehensive guidelines on how to interpret the Equal Access Act, consult chapter 11 of *Finding Common Ground: A First Amendment Guide to Religion and Public Education*, available from the First Amendment Center.

⁵ The Character Education Partnership provides complete information on how to start a character education program and a clearinghouse of character education resources. Contact the Character Education Partnership, 918 16th St., NW, Suite 501, Washington, D.C. 20006. Telephone: (800) 988-8081. www.character.org.

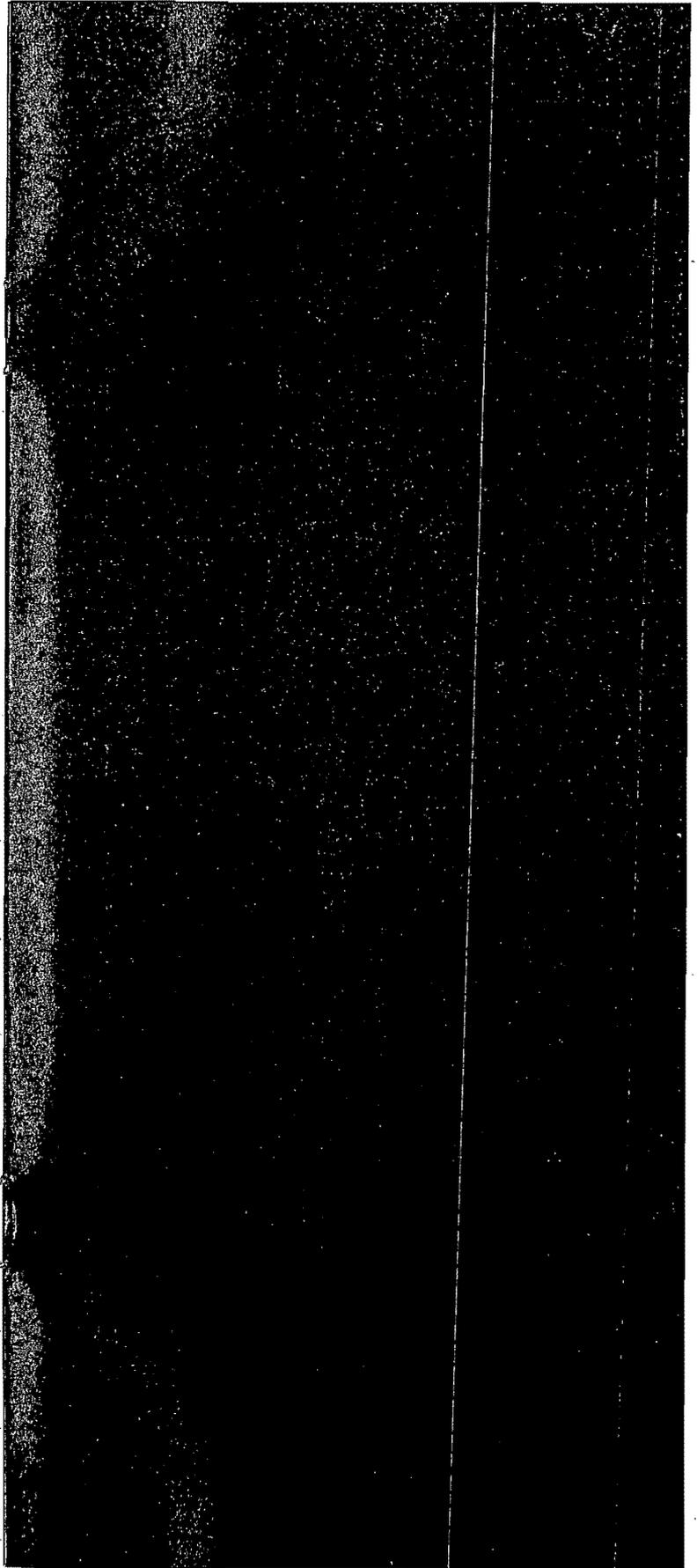
The **National PTA** encourages its nearly 7 million members to be involved in key child education, health, and welfare issues. The organization serves as an advocate for children and families in schools, the community, and before government agencies.

The **First Amendment Center** at Vanderbilt University in Nashville, Tenn., is an independent operating program of The Freedom Forum. The Center was established on Dec. 15, 1991, the 200th anniversary of the ratification of the Bill of Rights to the U.S. Constitution. The Center's mission is to foster public understanding of and appreciation for First Amendment rights and values, which comprise freedom of religion, speech and the press, the right to petition the government and to assemble peacefully. The Center serves as a forum for dialogue and debate on free-expression and freedom-of-information issues.

The Freedom Forum is a nonpartisan, international foundation dedicated to free press, free speech and free spirit for all people. The foundation pursues its priorities through conferences, educational activities, publishing, broadcasting, online services, fellowships, partnerships, training, research and other programs.

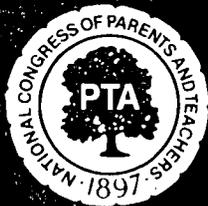
The Freedom Forum funds only its own programs and related partnerships. Unsolicited funding requests are not accepted. Operating programs are the Newseum at The Freedom Forum World Center headquarters in Arlington, Va., the First Amendment Center at Vanderbilt University in Nashville, Tenn., the Media Studies Center in New York City and the Pacific Coast Center in San Francisco. The Freedom Forum also has operating offices in Cocoa Beach, Fla., Buenos Aires, Hong Kong, Johannesburg and London.

The Freedom Forum was established in 1991 under the direction of Founder Allen H. Neuharth as successor to the Gannett Foundation, which was created by Frank E. Gannett in 1935. The Freedom Forum does not solicit or accept financial contributions. Its work is supported by income from an endowment now worth more than \$1 billion in diversified assets.



Resource Guide

For in-depth discussion of the religious liberty rights of students, the Equal Access Act, religion in the curriculum and other issues addressed in this pamphlet see *Finding Common Ground: A First Amendment Guide to Religion and Public Education*. This publication is available at cost (\$9.50 includes mailing) from the First Amendment Center, 1207 18th Ave. S., Nashville, TN 37212.



For more information and additional free copies of this pamphlet, please contact:



1207 18th Avenue South
Nashville, TN 37212
(615) 321-9588
1-800-830-3733
www.freedomforum.org

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A Parent's

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Guide to

establishment of religion

Religion

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Public

abridging the freedom

Schools

of speech or of the press

or the right of the people

peaceably to assemble

and to petition the

**The National Congress
of Parents and Teachers**

Government for a redress

**THE FREEDOM FORUM
FIRST AMENDMENT CENTER**

AT VANDERBILT UNIVERSITY

of grievances.

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—First Amendment
United States Constitution

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Parents are recognized as having the primary responsibility for the upbringing of their children, including education. For this reason, parents need to be fully informed about school policies and practices, including all issues concerning religion and religious liberty in public education.

The following questions and answers are intended to help parents understand the religious liberty rights of students and the appropriate role for religion in the public school curriculum. A number of recent documents represent a growing consensus among many religious and educational groups about the constitutional and educational role of religion in public schools.¹ This pamphlet is designed to build on these agreements and to encourage communities to find common ground when they are divided.

The following questions and answers provide general information on the subject of religious expression and practices in schools. The answers are based on First Amendment religious liberty principles as currently interpreted by the courts and agreed to by a wide range of religious and educational organizations. For a more in-depth examination of the issues, parents should consult the guide listed at the end of this publication. If parents have specific legal questions, the services of a qualified attorney should be sought.

Keep in mind, however, that the law alone cannot answer every question. Parents in each community must work with school officials to do not only what is constitutional, but also what is *right* for all citizens. The religious liberty principles of the First Amendment provide the civic framework within which we are able to debate our differences, to understand one another, and to forge school policies that serve the common good in public education.



Finding Common Ground



In our community we want to work together to address religion in schools issues. How do we go about finding common ground?

Parents and school officials in many local communities have had success finding common ground using the following strategies:

Include all of the stakeholders.

Because public schools belong to all citizens, they must model the democratic process and constitutional principles in the development of policies and curricula. Policy decisions by officials or governing bodies should be made only after appropriate involvement of those affected by the decisions and with due consideration of those holding dissenting views.

Listen to all sides.

If we are to build trust and to truly listen to one another, school officials must acknowledge what is valid about criticism of school policies and practices, particularly concerning the treatment of religion and religious perspectives. At the same time, parents with deep religious convictions need to acknowledge that the vast majority of public school administrators and teachers do not intend to be hostile to religion and want to be fair in their treatment of parents and students.

Work for comprehensive policies.

Many school districts contribute to confusion and distrust by having no policies concerning many of the issues addressed in this pamphlet. By working with parents to develop comprehensive policies, schools demonstrate the importance of taking religious liberty seriously.

Be pro-active.

School districts unprepared for controversy fare poorly when a conflict arises. Where there are no policies (or policies are not known or supported by parents), there is a much greater likelihood of lawsuits, shouting matches at school board meetings, and polarization in the community. A pro-active approach takes seriously the importance of articulating the proper role for religion and religious perspectives in the public schools. The resulting policies and practices create a climate of trust in the community and demonstrate the public schools' active commitment to the guiding principles of our democracy.

Commit to civil debate.

Conflict and debate are vital in a democracy. Yet, if we are going to live with our deepest differences, then *how* we debate, and not only *what* we debate, is critical. Personal attacks, name-calling, ridicule, and similar tactics destroy the fabric of our society and undermine the educational mission of our schools. All parties should treat one another with civility and respect and should strive to be accurate and fair. Through constructive dialogue, we have much to learn from one another.

Religious Liberty and Public Schools

2 Is there general agreement on how religious faith should be treated in public schools under the First Amendment?

Yes. In a recent statement of principles, a broad range of religious and educational groups agreed to the following description of religious liberty and public schools within the First Amendment framework:

Public schools may not inculcate nor inhibit religion. They must be places where religion and religious conviction are treated with fairness and respect.

Public schools uphold the First Amendment when they protect the religious liberty rights of students of all faiths or none. Schools demonstrate fairness when they ensure that the curriculum includes study *about* religion, where appropriate, as an important part of a complete education.²

Student Religious Expression

3 Does this mean that students may express their faith while in school?

Yes. Schools should respect the right of students to engage in religious activity and discussion.

Generally, individual students are free to pray, read their scriptures, discuss their faith, and invite others to join their particular religious group. Only if a student's behavior is disruptive or coercive should it be prohibited. No student should be allowed to harass or pressure others in a public school setting.

If doing so is relevant to the subject under consideration and meets the requirements of the assignment, students also have the right to express their religious views during a class discussion or as part of a written assignment or art activity.

Student Prayer

4 May students pray together in public schools?

Yes. Students are free to pray alone or in groups, as long as the activity is not disruptive and does not infringe upon the rights of others. These activities must be truly voluntary and student-initiated. For example, students are permitted to gather around the flagpole for prayer before school begins, as long as the event is not sponsored by the school and other students are not pressured to attend. Students do not have a right to force a captive audience to participate in religious exercises.

5 Didn't the Supreme Court rule against student prayer in public schools?

No. The Supreme Court has struck down *state-sponsored* or *state-organized* prayer in public schools. The Court has interpreted the First Amendment to mean that government must be *neutral* among religions and between religion and nonreligion. This means that school officials may not organize, mandate, or participate in student religious activities, including prayer. A moment of silence, however, may be led by school officials, as long as it does not promote prayer over other types of quiet contemplation.

6 Does this mean that students may offer prayers at graduation ceremonies?

Not necessarily. Lower courts are divided about whether a student may offer prayers at graduation exercises. Parents should seek legal advice about what rules apply in their state.

Some schools create a "free speech forum" at school-sponsored events, during which time students are free to express themselves religiously or otherwise. Such a forum, however, would have to be open to all kinds of speech, including speech critical of religion or the school.

Baccalaureate Services

7 What about baccalaureate services?

Although a public school may not sponsor religious baccalaureate ceremonies, parents, faith groups, and other community organizations are free to sponsor such services for students who wish to attend. The school may announce the baccalaureate in the same way it announces other community events. If the school allows community groups to rent or otherwise use its facilities after hours, then a privately sponsored baccalaureate may be held on campus under the same terms offered to any private group.

Teaching about Religion

8 Is it constitutional to teach about religion in public schools?

Yes. The Supreme Court has indicated many times that teaching about religion, as distinguished from religious indoctrination, is an important part of a complete education. The public school's approach to religion in the curriculum must be academic, not devotional.

Study about religion belongs in the curriculum wherever it naturally arises. On the secondary level, the social studies, literature and the arts offer many opportunities for the inclusion of information about religions—their ideas and practices. On the elementary level, natural opportunities arise in discussions of the family and community life and in instruction about festivals and different cultures.

Religion may also be studied in special courses. Some secondary schools, for example, offer electives in "World Religions," "Bible as/in History or Literature," and "Religion in America."

Religious Holidays

9 How should religious holidays be treated in the schools?

Religious holidays offer opportunities to teach about religion in elementary and secondary schools. Teaching about religious holidays, which is permissible, is different from celebrating religious holidays, which is not. Study of holidays serves academic goals of educating students about history and cultures as well as about the traditions of particular religions.

The use of religious symbols as examples of religious or cultural heritage is permissible as a teaching aid or resource. Religious symbols should only be displayed on a temporary basis as part of the academic program.

Sacred music may be sung or played as part of a school's academic program. School concerts that present a variety of selections may include religious music. The use of music, art, drama, or literature with religious themes is permissible if it serves a sound educational goal in the curriculum, but not if used as a vehicle for promoting religious belief.

Excusal Requests

10 May students be excused from parts of the curriculum for religious reasons?

Whenever possible, school officials should try to accommodate the requests of parents and students for excusal from classroom discussions or activities for religious reasons. If focused on a specific discussion, assignment, or activity, such requests should be routinely granted in order to strike a balance between the student's religious freedom and the school's interest in providing a well-rounded education.

Under the Religious Freedom Restoration Act,³ if it is proved that particular lessons substantially burden a student's free exercise of religion and if the school cannot prove a compelling interest in requiring attendance, the school would be legally required to excuse the student.

Student Religious Clubs

11 May students form religious clubs in public schools?

Under the federal Equal Access Act,⁴ secondary public schools receiving federal funds must allow students to form religious clubs if the school allows other noncurriculum-related clubs to meet during noninstructional time. "Noncurriculum-related" means any club not directly related to the courses offered by the school. Student religious clubs may have access to school facilities and media on the same basis as other noncurriculum-related student clubs.

The Equal Access Act protects the rights of students to form religious clubs. Outside adults may not direct or regularly attend meetings of such clubs. Teachers may be present at religious club meetings as monitors, but they may not participate in club activities.

Public schools are free to prohibit any club activities that are illegal or that would cause substantial disruption of the school.⁵

Student Religious Garb

12 May students wear religious garb and display religious symbols in public schools?

Yes. Students who must wear religious garb such as head scarves or yarmulkes should be permitted to do so in school. Students may also display religious messages on clothing to the same extent that other messages are permitted.

Distribution of Religious Literature

13 May students distribute religious literature in the schools?

Generally, students have a right to distribute religious literature on public school campuses subject to reasonable time, place and manner restrictions imposed by the school. This means that the school may specify at what times the distribution may occur (e.g., lunch hour or before or after classes begin), where it may occur (e.g., outside the school office), and how it may occur (e.g., from fixed locations as opposed to roving distribution). These restrictions should be reasonable and must apply evenly to all non-school student literature.

Public schools may prohibit the distribution of some literature altogether. Some examples would be materials that are obscene, defamatory, or disruptive of the educational environment.

Released Time

14 May students be released for off-campus religious instruction during the school day?

Yes. The Supreme Court has long recognized that public schools may choose to create off-campus, released-time programs as a means of accommodating the needs of religious students and parents. The schools may not encourage or discourage participation or penalize students who do not attend.

Character Education

15 What is the relationship between religion and character education in public schools?

Parents are the first and most important moral educators of their children. Thus public schools should develop character education programs only in close partnership with parents and the community. Local communities need to work together to identify the core moral and civic virtues that they wish to be taught and modeled in all aspects of school life.⁶

In public schools, where teachers may neither promote nor denigrate religion, the core moral and civic values agreed to in the community may be taught if done so without religious indoctrination. At the same time, core values should not be taught in such a way as to suggest that religious authority is unnecessary or unimportant. Sound character education programs affirm the value of religious and philosophical commitments and avoid any suggestion that morality is simply a matter of individual choice without reference to absolute truth.

Endnotes

- ¹ One of these documents is a directive sent to school superintendents from the U.S. Department of Education. Copies of the U.S. Department of Education guidelines may be obtained by calling 1-800-USA-LEARN. Another document, *Religion in the Public Schools: A Joint Statement of Current Law*, has been endorsed by a broad range of religious organizations. It is available by writing: "Religion in the Public Schools" 15 East 84th St., Suite 501, New York, NY 10028.
- ² For free copies of *Religious Liberty, Public Education, and the Future of American Democracy: A Statement of Principles*, contact The Freedom Forum First Amendment Center at Vanderbilt University.
- ³ See 42 United States Code Section 2000bb to 2000bb-4.
- ⁴ See 20 United States Code Section 4071 to 4074.
- ⁵ For comprehensive guidelines on how to interpret the Equal Access Act, consult chapter 11 of *Finding Common Ground: A First Amendment Guide to Religion and Public Education*, available from The Freedom Forum First Amendment Center.
- ⁶ The Character Education Partnership provides complete information on how to start a character education program and a clearinghouse of character education resources. Contact the Character Education Partnership at 809 Franklin St., Alexandria, VA 22314, Telephone: (800)988-8081.

The National PTA encourages its nearly 7 million members to be involved in key child education, health, and welfare issues. The organization serves as an advocate for children and families in schools, the community, and before government agencies.

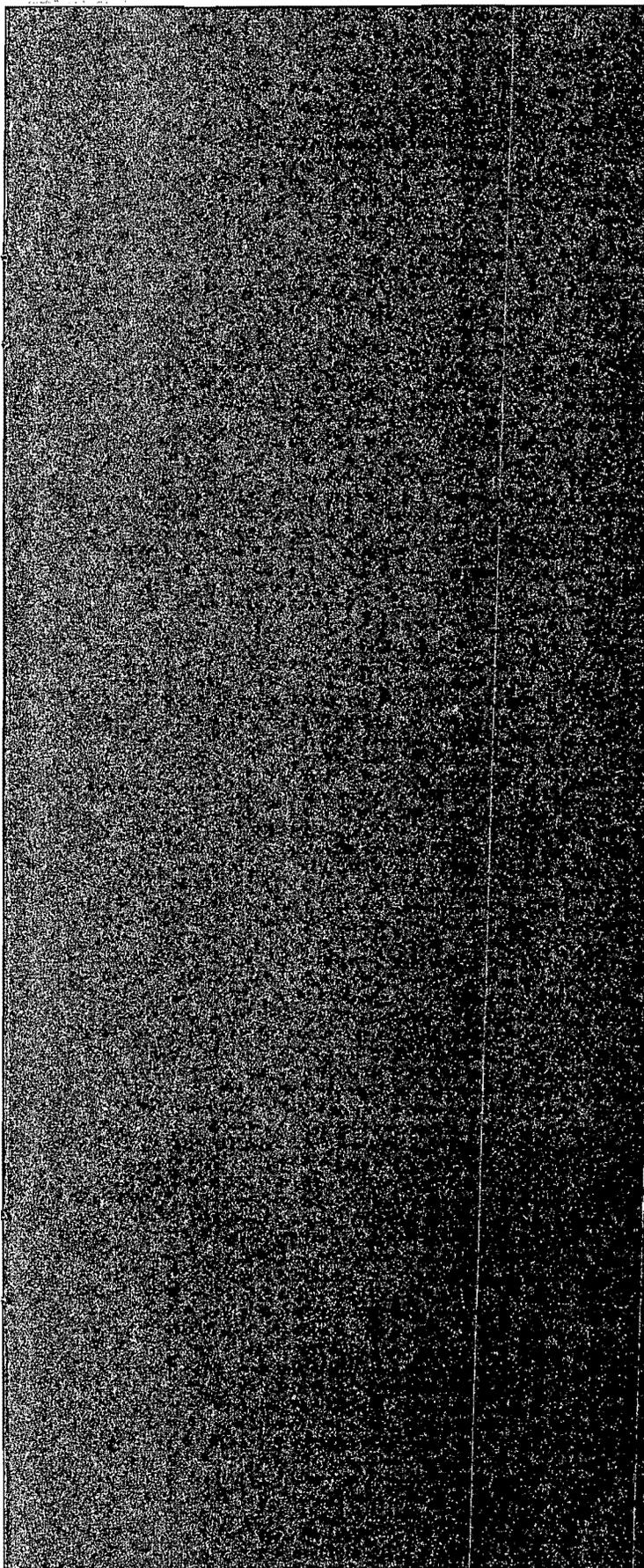
The Freedom Forum First Amendment Center at Vanderbilt University is an independent operating program of The Freedom Forum. The Center was established by The Freedom Forum, one of the nation's largest foundations, on Dec. 15, 1991, the 200th anniversary of the ratification of the Bill of Rights to the U.S. Constitution.

The First Amendment Center's mission is to foster a better public understanding of and appreciation for First Amendment rights and values, including freedom of religion, free speech and press, and the right to petition government and to assemble peacefully.

The Freedom Forum is a nonpartisan, international foundation dedicated to free press, free speech, and free spirit for all people. The foundation pursues its priorities through programs including conferences, educational activities, publishing, broadcasting, on-line services, partnerships, training and research. The Freedom Forum makes limited grants in connection with its programs; unsolicited grant applications are not accepted.

Major operating programs are The Freedom Forum Media Studies Center at Columbia University in New York City, The Freedom Forum First Amendment Center at Vanderbilt University in Nashville, Tenn., and The Newseum at The Freedom Forum Headquarters in Arlington, Va.

The foundations' work is supported by an endowment—established by Frank E. Gannett in 1935 with \$100,000 in Gannett Co. stock—now worth more than \$700 million in diversified, managed assets. The foundation does not solicit or accept contributions.



Resource Guide

For in-depth discussion of the religious liberty rights of students, the Equal Access Act, religion in the curriculum and other issues addressed in this pamphlet see *Finding Common Ground: A First Amendment Guide to Religion and Public Education*.

This publication is available at cost (\$9.50 includes mailing) from The Freedom Forum

First Amendment Center at Vanderbilt University
1207 18th Ave. S. Nashville, TN 37212



For more information and additional free copies of this pamphlet, please contact:

**THE FREEDOM FORUM
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Publication # 95-F06

RELIGIOUS
EXPRESSION
IN PUBLIC
SCHOOLS:

A STATEMENT OF PRINCIPLES

**RELIGIOUS EXPRESSION
IN PUBLIC SCHOOLS:
A STATEMENT OF PRINCIPLES**



**U.S. DEPARTMENT OF EDUCATION
September 1999**

"...Schools do more than train children's minds. They also help to nurture their souls by reinforcing the values they learn at home and in their communities. I believe that one of the best ways we can help out schools to do this is by supporting students' rights to voluntarily practice their religious beliefs, including prayer in schools.... For more than 200 years, the First Amendment has protected our religious freedom and allowed many faiths to flourish in our homes, in our work place and in our schools. Clearly understood and sensibly applied, it works."

President Clinton
May 30, 1998

A LETTER FROM THE U.S. SECRETARY OF EDUCATION

Dear American Educator,

Almost three years ago, President Clinton directed me, as U.S. Secretary of Education, in consultation with the Attorney General, to provide every public school district in America with a statement of principles addressing the extent to which religious expression and activity are permitted in our public schools. In accordance with the President's directive, I sent every school superintendent in the country guidelines on *Religious Expression in Public Schools* in August of 1995.

The purpose of promulgating these presidential guidelines was to end much of the confusion regarding religious expression in our nation's public schools that had developed over more than thirty years since the U.S. Supreme Court decision in 1962 regarding state sponsored school prayer. I believe that these guidelines have helped school officials, teachers, students and parents find a new common ground on the important issue of religious freedom consistent with constitutional requirements.

In July of 1996, for example, the Saint Louis School Board adopted a district wide policy using these guidelines. While the school district had previously allowed certain religious activities, it had never spelled them out before, resulting in a lawsuit over the right of a student to pray before lunch in the cafeteria. The creation of a clearly defined policy using the guidelines allowed the school board and the family of the student to arrive at a mutually satisfactory settlement.

In a case decided last year in a United States District Court in Alabama, (*Chandler v. James*) involving student initiated prayer at school related events, the court instructed the DeKalb County School District to maintain for circulation in the library of each school a copy of the presidential guidelines.

The great advantage of the presidential guidelines, however, is that they allow school districts to avoid contentious disputes by developing a common understanding among students, teachers, parents and the broader community that the First Amendment does in fact provide ample room for religious expression by students while at the same time maintaining freedom from government sponsored religion.

The development and use of these presidential guidelines were not and are not isolated activities. Rather, these guidelines are part of an ongoing and growing effort by educators and America's religious community to find a new common ground. In April of 1995, for example, thirty-five religious groups issued "Religion in the Public Schools: A Joint Statement of Current Law" that the Department drew from in developing its own guidelines. Following the release of the presidential guidelines, the National PTA and the Freedom Forum jointly published in 1996 "A Parent's Guide to Religion in the Public Schools" which put the guidelines into an easily understandable question and answer format.

In the last two years, I have held three religious-education summits to inform faith communities and educators about the guidelines and to encourage continued dialogue and cooperation within constitutional limits. Many religious communities have contacted local schools and school systems to offer their assistance because of the clarity provided by the guidelines. The United Methodist Church has provided reading tutors to many schools, and Hadassah and the Women's League for Conservative Judaism have both been extremely active in providing local schools with support for summer reading programs.

The guidelines we are releasing today are the same as originally issued in 1995, except that changes have been made in the sections on religious excusals and student garb to reflect the Supreme Court decision in *Boerne v. Flores* declaring the Religious Freedom Restoration Act unconstitutional as applied to actions of state and local governments.

These guidelines continue to reflect two basic and equally important obligations imposed on public school officials by the First Amendment. First, schools may not forbid students acting on their own from expressing their personal religious views or beliefs solely because they are of a religious nature. Schools may not discriminate against private religious expression by students, but must instead give students the same right to engage in religious activity and discussion as they have to engage in other comparable activity. Generally, this means that students may pray in a nondisruptive manner during the school day when they are not engaged in school activities and instruction, subject to the same rules of order that apply to other student speech.

At the same time, schools may not endorse religious activity or doctrine, nor may they coerce participation in religious activity. Among other things, of course, school administrators and teachers may not organize or encourage prayer exercises in the classroom. Teachers, coaches and other school officials who act as advisors to student groups must remain mindful that they cannot engage in or lead the religious activities of students.

And the right of religious expression in school does not include the right to have a "captive audience" listen, or to compel other students to participate. School officials should not permit student religious speech to turn into religious harassment aimed at a student or a small group of students. Students do not have the right to make repeated invitations to other students to participate in religious activity in the face of a request to stop.

The statement of principles set forth below derives from the First Amendment. Implementation of these principles, of course, will depend on specific factual contexts and will require careful consideration in particular cases.

In issuing these revised guidelines I encourage every school district to make sure that principals, teachers, students and parents are familiar with their content. To that end I offer three suggestions:

First, school districts should use these guidelines to revise or develop their own district wide policy regarding religious expression. In developing such a policy, school officials can engage parents, teachers, the various faith communities and the broader community in a positive dialogue to define a common ground that gives all parties the assurance that when questions do arise regarding religious expression the community is well prepared to apply these guidelines to

specific cases. The Davis County School District in Farmington, Utah, is an example of a school district that has taken the affirmative step of developing such a policy.

At a time of increasing religious diversity in our country such a proactive step can help school districts create a framework of civility that reaffirms and strengthens the community consensus regarding religious liberty. School districts that do not make the effort to develop their own policy may find themselves unprepared for the intensity of the debate that can engage a community when positions harden around a live controversy involving religious expression in public schools.

Second, I encourage principals and administrators to take the additional step of making sure that teachers, so often on the front line of any dispute regarding religious expression, are fully informed about the guidelines. The Gwinnett County School system in Georgia, for example, begins every school year with workshops for teachers that include the distribution of these presidential guidelines. Our nation's schools of education can also do their part by ensuring that prospective teachers are knowledgeable about religious expression in the classroom.

Third, I encourage schools to actively take steps to inform parents and students about religious expression in school using these guidelines. The Carter County School District in Elizabethton, Tennessee, included the subject of religious expression in a character education program that it developed in the fall of 1997. This effort included sending home to every parent a copy of the "Parent's Guide to Religion in the Public Schools."

Help is available for those school districts that seek to develop policies on religious expression. I have enclosed a list of associations and groups that can provide information to school districts and parents who seek to learn more about religious expression in our nation's public schools.

In addition, citizens can turn to the U.S. Department of Education web site (<http://www.ed.gov>) for information about the guidelines and other activities of the Department that support the growing effort of educators and religious communities to support the education of our nation's children.

Finally, I encourage teachers and principals to see the First Amendment as something more than a piece of dry, old parchment locked away in the national attic gathering dust. It is a vital living principle, a call to action, and a demand that each generation reaffirm its connection to the basic idea that is America — that we are a free people who protect our freedoms by respecting the freedom of others who differ from us.

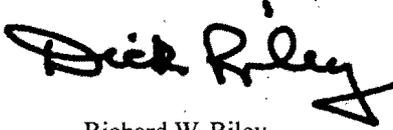
Our history as a nation reflects the history of the Puritan, the Quaker, the Baptist, the Catholic, the Jew and many others fleeing persecution to find religious freedom in America. The United States remains the most successful experiment in religious freedom that the world has ever known because the First Amendment uniquely balances freedom of private religious belief and expression with freedom from state-imposed religious expression.

Public schools can neither foster religion nor preclude it. Our public schools must treat religion with fairness and respect and vigorously protect religious expression as well as the freedom of conscience of all other students.

In so doing our public schools reaffirm the First Amendment and enrich the lives of their students.

I encourage you to share this information widely and in the most appropriate manner with your school community. Please accept my sincere thanks for your continuing work on behalf of all of America's children.

Sincerely,

A handwritten signature in black ink that reads "Dick Riley". The signature is written in a cursive style with a large, sweeping "D" and a long, trailing flourish at the end.

Richard W. Riley
U.S. Secretary of Education

RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS

Student prayer and religious discussion: The Establishment Clause of the First Amendment does not prohibit purely private religious speech by students. Students therefore 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 activity. 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 nondisruptive activities. Local school authorities possess substantial discretion to impose rules of order and other pedagogical restrictions on student activities, but they may not structure or administer such rules to discriminate against religious activity or speech.

Generally, students may pray in a nondisruptive 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 topics. School officials, however, should intercede to stop student speech that constitutes 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 noncurriculum 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 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.

Graduation prayer and baccalaureates: Under current Supreme Court decisions, 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 baccalaureate services. A school may not extend preferential treatment to baccalaureate ceremonies and may in some instances be obliged to disclaim official endorsement of such ceremonies.

Official neutrality regarding religious activity: Teachers and school administrators, when acting in those capacities, are representatives of the state and are prohibited by the establishment clause from soliciting or encouraging religious activity, and from participating in such activity with students. Teachers and administrators also are prohibited from discouraging activity because of its religious content, and from soliciting or encouraging antireligious activity.

Teaching about religion: Public schools may not provide religious instruction, but they may teach *about* religion, including the Bible or other

scripture: 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 public school subjects. Similarly, it is permissible to consider religious influences on art, music, literature, and social studies. Although public schools may teach about religious holidays, including their religious aspects, and may celebrate the secular aspects of holidays, schools may not observe holidays as religious events or promote such observance by students.

Student assignments: 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. Such home and classroom work should be judged by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns identified by the school.

Religious literature: Students have a right to distribute religious literature to their schoolmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities. Schools may impose the same reasonable time, place, and manner or other constitutional restrictions on distribution of religious literature as they do on nonschool literature generally, but they may not single out religious literature for special regulation.

Religious excusals: Subject to applicable State laws, schools enjoy substantial discretion to excuse individual students from lessons that are objectionable to the student or the students' parents on religious or other conscientious grounds. However, students generally do not have a Federal right to be excused from lessons that may be inconsistent with their religious beliefs or practices. School officials may neither encourage nor discourage students from availing themselves of an excusal option.

Released time: Subject to applicable State laws, schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation or penalize those who do not attend. Schools may not allow religious instruction by outsiders on school premises during the school day.

Teaching values: Though schools must be neutral with respect to religion, they may play an active role with respect to teaching civic values and virtue, and the moral code that holds us together as a community. The fact that some of these values are held also by religions does not make it unlawful to teach them in school.

Student garb: Schools enjoy substantial discretion in adopting policies relating to student dress and school uniforms. Students generally have no Federal right to be exempted from religiously-neutral and generally applicable

school dress rules based on their religious beliefs or practices; however, schools may not single out religious attire in general, or attire of a particular religion, for prohibition or regulation. 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.

THE EQUAL ACCESS ACT

The Equal Access Act is designed to ensure that, consistent with the First Amendment, student religious activities are accorded the same access to public school facilities as are student secular activities. Based on decisions of the Federal courts, as well as its interpretations of the Act, the Department of Justice has advised that the Act should be interpreted as providing, among other things, that:

General provisions: Student religious groups at public secondary schools have the same right of access to school facilities as is enjoyed by other comparable student groups. Under the Equal Access Act, a school receiving Federal funds that allows one or more student noncurriculum-related clubs to meet on its premises during noninstructional time may not refuse access to student religious groups.

Prayer services and worship exercises covered: A meeting, as defined and protected by the Equal Access Act, may include a prayer service, Bible reading, or other worship exercise.

Equal access to means of publicizing meetings: A school receiving Federal funds must allow student groups meeting under the Act 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 noncurriculum-related student groups are allowed to use the school media. Any policy concerning the use of school media must be applied to all noncurriculum-related student groups in a nondiscriminatory matter. Schools, however, may inform students that certain groups are not school sponsored.

Lunch-time and recess covered: A school creates a limited open forum under the Equal Access Act, triggering equal access rights for religious groups, when it allows students to meet during their lunch periods or other noninstructional time during the school day, as well as when it allows students to meet before and after the school day.

Revised May 1998

**LIST OF ORGANIZATIONS THAT CAN ANSWER
QUESTIONS ON RELIGIOUS EXPRESSION
IN PUBLIC SCHOOLS**

American Association of School Administrators

Contact: Kelly Taylor
1801 N. Moore Street
Arlington, VA 22209
Phone: (703) 528-0700 *Fax:* (703) 528-2146
E-Mail: ktaylor@aasa.org *Web site:* <http://www.aasa.org>

American Jewish Congress

Contact: Marc Stern
15 East 84th Street
New York, NY 10028
Phone: (212) 360-1545 *Fax:* (212) 861-7056
E-Mail: stern@ajcongress.org

Christian Legal Society

Contact: Center for Law and Religious Freedom
4208 Evergreen Lane, #222
Annandale, VA 22003
Phone: (703) 642-1070 *Fax:* (703) 642-1075
E-Mail: clrf@clsnet.org *Web site:* <http://www.clsnet.com>

Freedom Forum

Contact: First Amendment Center
1101 Wilson Blvd.
Arlington, VA 22209
Phone: (703) 528-0800 *Fax:* (703) 284-2879
E-Mail: chaynes@freedomforum.org *Web site:* <http://www.freedomforum.org>

National Association of Evangelicals

Contact: Forest Montgomery
1001 Connecticut Avenue, NW, #522
Washington, DC 20036
Phone: (202) 789-1011 *Fax:* (202) 842-0392
E-Mail: oga@nae.net *Web site:* <http://www.nae.net>

National PTA

Contact: Maribeth Oakes
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