



Student Policies BP 03-08

Board Policy: RELIGION IN SCHOOL

Introduction

The First Amendment of the Constitution states that Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof. Consistent with Constitutional principles, the Gateway Community Charters Board (“Board”) recognizes that public schools have two basic and equally important obligations with respect to religion in school. First, schools may not endorse specific religious practices or doctrines, nor may they coerce participation in religious activity. Second, 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.

Statement of Purpose

It is the Board’s purpose to adhere to these principles and promote mutual understanding and respect for the interests and rights of all individuals regarding their beliefs, values, and customs. Specifically, it is the Board’s purpose to have a policy that:

- A. Allows students and employees religious expression and freedom of speech within the parameters of existing state and federal law,
- B. Supports a climate of academic freedom in which religious ideals and organizations can be discussed in an objective way for their educational value,
- C. Requires official neutrality on the part of teachers, administrators, other school employees, and volunteers regarding religious activity when acting in their official capacities, and
- D. Encourages educators and all members of the school community to engage in persistent efforts to resolve disputes over religious issues in schools promptly and equitably at the local level.

Policy Regarding Prayer

It is the intent of the following policies to balance a school’s obligation not to endorse religion against the rights of students to religious expression.

A. Prayer During Noninstructional Time

1. Students may pray when not engaged in school activities or instruction, so long as the prayer is not coercive and does not substantially disrupt the school's educational mission and activities.
2. Among other things, students may read their Bibles or other scriptures, say grace before meals, and pray or study religious materials with fellow students during recess, the lunch hour, or other noninstructional time.
3. While school authorities may impose disciplinary and pedagogical restrictions on student activities, they may not discriminate against student prayer or religious speech in applying such restrictions.

C. Accommodation of Prayer During Instructional Time

1. Schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation in such instruction or penalize students for attending or not attending.
2. Schools may excuse students from class to remove a significant burden on their religious exercise, where doing so would not impose material burdens on other students.
3. Where school officials have a practice of excusing students from class on the basis of parents' requests for accommodation of nonreligious needs, religiously motivated requests for excusal may not be accorded less favorable treatment.

D. Organized Prayer Groups and Activities

1. Students may organize prayer groups, religious clubs, and gatherings before school to the same extent that students are permitted to organize other non-curricular student activities groups. Such groups must be given the same access to school facilities for assembling as is given to other non-curricular groups, without discrimination because of the religious content of their expression.
2. School authorities maintain substantial discretion concerning whether to permit the use of school media for student advertising or announcements regarding non-curricular activities. However, where student groups that meet for nonreligious activities are permitted to advertise or announce their meetings—for example, by advertising in a

student newspaper, making announcements on a student activities bulletin board or public address system, or handing out leaflets—school authorities may not discriminate against groups who meet to pray.

3. School authorities may disclaim sponsorship of non-curricular groups and events, provided they administer such disclaimers in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.

E. Teacher, Administrator, and Other School Employee Participation in Religious Activity

1. When acting in their official capacities as representatives of a public school, teachers, school administrators, and other school employees are prohibited by the state and federal Constitution from encouraging or discouraging prayer, and from actively participating in such activity with students.
2. Because teachers hold such a special status in the school and are viewed as public school officials speaking to a group that is both a captive audience and extremely impressionable, religious speech by teachers or other school personnel in the presence of students will be seen as a state endorsement of religion.
3. Teachers may, however, engage in private religious activities during duty free and noncontractual hours where the overall context makes clear that they are not participating in their official capacities and where students or others would not view the activities of the teachers as those performed in their official capacity.

F. Religious Expression and Prayer in Class Assignments

1. Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions.
2. 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.

G. Student Assemblies and Extracurricular Activities

1. Student speakers at student assemblies and extracurricular activities such as sporting events may not be selected on a basis that either favors or disfavors religious speech.
2. Where student speakers are selected on the basis of genuinely neutral, evenhanded criteria and retain primary control over the content of their expression, that expression is not attributable to the school and therefore may not be restricted because of its religious (or anti-religious) content.
3. Where school officials determine or substantially control the content of what is expressed, such speech is attributable to the school and may not include prayer or other specifically religious (or anti-religious) content.
4. To avoid any mistaken perception that a school endorses student speech that is not in fact attributable to the school, school officials may make appropriate, neutral disclaimers to clarify that such speech (whether religious or nonreligious) is the speaker's and not the school's.

H. Prayer at Graduation

1. School officials may not mandate or organize prayer at graduation or select speakers for such events in a manner that favors religious speech such as prayer.
2. Where students or other private graduation speakers are selected on the basis of genuinely neutral, evenhanded criteria and retain primary control over the content of their expression, however, that expression is not attributable to the school and therefore may not be restricted because of its religious (or anti-religious) content.
3. To avoid any mistaken perception that a school endorses student or other private speech that is not in fact attributable to the school, school officials may make appropriate, neutral disclaimers to clarify that such speech (whether religious or nonreligious) is the speaker's and not the school's.

Policy Regarding Use of Religious Facilities

The following policies are intended to ensure that a charter school which is situated in or around a church or other religious facility maintains a site certified for use.

A. Appropriate Signs

1. Outside of any facility shared by a school and a religious institution, a sign should be located in a prominent place at or near the entrance to the facility which indicates the charter school is located on the site or in the religious facility.
2. Upon entering the facility, a directional sign or signs should be clearly displayed indicating the entrance to the school.

B. No Indication of Religious Preference

1. The area of the facility used primarily by the charter school for delivery of instruction to which students have regular access should not contain religious symbols, posted religious messages, pictures, books, or writings which indicate a preference for religious beliefs.
2. If such items do appear, they should be covered up or removed during regular school hours.

C. Separation of Religious Facilities Use

1. Space used for instructional or operational purposes (i.e. the school office, counseling office, etc.) should not be physically shared by the school and representatives of the religious facility during school hours.
2. Pupils and parents should be capable of transacting with school employees without being required to address church personnel within the facility.

D. No Apparent Religious Activities

1. If religious activities are ongoing at the school site during school hours, these activities must be distinguishable from those of the school.
2. Religious activities ongoing at the facility that convey a message of endorsement by the school of any religion should not be visible or audible.

E. Presence of Religious Facility Employee

If employees, volunteers, or clergy of the religious institution are required to access school space during the school day, such access should be minimal and non-disruptive to the school activities.

F. Freedom of Control

The lease/operation agreement must reflect an arms length landlord-tenant relationship wherein the religious institution exercises no control over what is taught and generally how the school is run.

Procedures

Disciplinary questions that relate to violations of this policy by teachers, administrators, or other school employees will be resolved through the already established procedures of the Board. Recognizing that the aforementioned policies do not give exhaustive treatment of this issue, the Board may choose to refer disputes about implementation of the policies to an appropriate committee.

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