

Religious Expression In The Schools

Public schools may not inculcate or inhibit religion. Schools must be places where religion and religious conviction are treated with fairness and respect. The district upholds the First Amendment when it protects the religious liberty rights of students of all faiths and students who profess no faith. Schools also demonstrate fairness when they ensure that the curriculum includes study about religion, where appropriate, as an important part of a complete education.

The Governing Board recognizes that students' education would be incomplete without an understanding of the role of religion in history. It is both proper and important for teachers to objectively discuss the influences of various religions, using religious works and symbols to illustrate their relationship with society, literature, or the arts. The Board expects that such instruction will identify principles common to many religions and foster respect for the multiple creeds practiced by the peoples of the world.

In order to respect each student's individual right to freedom of religious practice, religious indoctrination is forbidden in the public schools. Instruction about religion must not favor promote, or demean the beliefs or customs of any particular religion or sect, or those who hold no religious beliefs. Staff should be highly sensitive to their obligation not to interfere with the religious development of any student in whatever tradition the student embraces.

Staff shall not endorse, encourage, or solicit religious or anti-religious expression or activities among students. They shall not lead students in prayer or participate in student-initiated prayer. However, staff shall not prohibit or discourage any student from praying or otherwise expressing his/her religious belief as long as this does not disrupt the classroom or the educational environment; nor shall staff make any student a captive audience to prayer.

Students may express their beliefs about religion in their homework, art work, and other written and oral reports if the expression is germane to the assignment. Such work shall be judged by ordinary academic standards, free of discrimination based on religious content.

Instruction which is contrary to a student's religious beliefs and teachings may be optional for the student in accordance with the Education Code or at the discretion of the Superintendent or designee.

Religious expression in public schools involves a careful balancing of free speech rights and the right to free exercise of religion without promoting or establishing religion. In order to provide guidance to school staff in the balancing of these competing interests, the Board directs the administration to develop a regulation that provides general guidance regarding religious expression in the schools consistent with this policy, existing law, existing district regulations, and the U.S. Secretary of Education's General Guidance Regarding Religious Expression in Public Schools.

Legal Reference:

EDUCATION CODE

38130-38138 Civic Center Act

46014 Absences for religious purposes

51511 Religious matters properly included in courses of study

51938 Right of parent/guardian to excuse from sexual health instruction

UNITED STATES CODE, TITLE 20

4071-4074 Equal Access Act

6061 School prayer

7904 School prayer

COURT DECISIONS

Lassonde v. Pleasanton Unified School District, (2003, 9th Cir.) 320 F.3d 979

Cole v. Oroville Union High School District, (2000, 9th Cir.) 228 F.3d 1092

Lemon v. Kurtzman, (1971) 403 U.S. 602

Management Resources:

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools,
February 2003

Religion in the Public Schools: A Joint Statement of Current Law, April 1995

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

CSBA: <http://www.csba.org>

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: May 14, 1998 Fresno, California

reviewed: October 5, 2004