

Religion in the Curriculum

Clear guidance on how to deal with issues created by cultural diversity in the classroom is difficult to define because student rights and school responsibilities must necessarily be stated in general principles. Such general principles are well-stated in the attached guidelines and shall serve as the basis for decision concerning school programs, ceremonies, and observances.

The District academic calendar shall be prepared so as to minimize conflicts with observances of major religious holidays. With regard to school attendance, tests, extra-curricular* or cocurricular activities and parent meetings, no penalties shall be imposed for absences related to observance of major religious holidays. Teachers shall assist students in making up work caused by such absences.

*PIAA regulations for required attendance, etc. are excepted.

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Tredyffrin/Easttown School District

Religious Holidays in the Public Schools

Questions and Answers

What do the courts say?

The Supreme Court has ruled that public schools may not sponsor religious practices (*Engel v. Vitale*, 1962; *Abington v. Schempp*, 1963) but may teach *about* religion.

While having made no definitive ruling on religious holidays in the schools, the Supreme Court let stand a lower federal court decision stating that recognition of holidays may be constitutional if the purpose is to provide secular instruction about religious traditions rather than to promote the particular religion involved (*Florey v. Sioux Falls School District*, 8th Cir., 1980).

Do religious holidays belong in the curriculum?

The study of religious holidays may be included in elementary and secondary curricula as opportunities for teaching *about* religions. Such study serves the academic goals of educating students about history and cultures, as well as the traditions of particular religions within a pluralistic society.

When should teaching about religious holidays take place?

On the elementary level, natural opportunities arise for discussion of religious holidays while studying different cultures and communities. In the secondary curriculum, students of world history or literature have opportunities to consider the holy days of religious traditions.

Teachers find it helpful when they are provided with an inclusive calendar noting major religious and secular holidays with brief descriptions of their significance.

How should religious holidays be treated 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 will want to avoid asking students to explain their beliefs and customs. An offer to do so should be treated with courtesy and accepted or rejected depending upon the educational relevancy.

Teachers may not use the study of religious holidays as an opportunity to proselytize or to inject personal religious beliefs into the discussions. Teachers can avoid this by teaching through attribution, i.e., by reporting that "some Buddhists believe..."

May religious symbols be used in public school classes?

The use of religious symbols, provided they are used only as examples of cultural and 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 program. Students may choose to create artwork with religious symbols, but teachers should not encourage or discourage such creations.

May religious music be used in public schools?

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.

The use of art, drama or literature with religious themes also is permissible if it serves a sound educational goal in the curriculum but not if used as a vehicle for promoting religious belief.

What about Christmas?

Decisions about what to do in December should begin with the understanding that public schools may not sponsor religious devotions or celebrations; study *about* religious holidays does not extend to religious worship or practice.

Does this mean that all seasonal activities must be banned from the schools? Probably not, and in any event such an effort would be unrealistic. The resolution would seem to lie in devising holiday programs that serve an educational purpose for all students—programs that make no students feel excluded or identified with a religion not their own.

Holiday concerts in December may appropriately include music related to Christmas and Hanukkah, but religious music should not dominate. Any dramatic productions should emphasize the cultural aspects of the holidays. Nativity pageants or plays portraying the Hanukkah miracle are not appropriate in the public school setting.

In short, while recognizing the holiday season, none of the school activities in December should have the purpose, or effect, of promoting or inhibiting religion.

What about religious objections to some holidays?

Students from certain religious traditions may ask to be excused from classroom discussion or activities related to particular holidays. Some holidays considered by many people to be secular (for example, Halloween and Valentine's Day) are viewed by others as having religious overtones.

Excusal requests may be especially common in the elementary grades, where holidays often are marked by parties and similar non-academic activities. Such requests are routinely granted.

In addition, some parents and students may make requests for excusals from discussions of certain holidays even when treated from an academic perspective. If focused on a limited,

specific discussion, such requests may be granted in order to strike a balance between the student's religious freedom and the school's interest in providing a well-rounded education.

Administrators and teachers should understand that a policy or practice of excusing students from a specific activity or discussion cannot be used as a rationale for school sponsorship of religious celebrations or worship for the remaining students.

May students be absent for religious holidays?

Sensitive school policy on absences will take account of the religious needs and requirements of students. Students should be allowed a reasonable number of excused absences, without penalties, to observe religious holidays within their traditions. Students may be asked to complete makeup assignments or examinations in conjunction with such absences.

What steps should school districts take?

In a pluralistic society, public schools are places for persons of all faiths or none. Schools may neither promote nor denigrate any religion. In order to respect religious liberty and advance education, we recommend that each school district take the following steps:

- Develop policies about the treatment of religious holidays in the curricula and inform parents of those policies.
- Offer pre-service and in-service workshops to assist teachers and administrators in understanding the appropriate place of religious holidays in the schools.
- Become familiar with the nature and needs of the religious groups in the school community.
- Provide resources for teaching *about* religions and religious holidays in ways that are constitutionally permissible and educationally sound.

(Source: "Religious Holidays in the Public Schools: Questions and Answers," American Association of School Administrators, 1801 N. Moore Street, Arlington, VA 22209)

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 non-disruptive 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 student's parents on religious or other conscientious grounds. School officials may neither encourage nor discourage students from availing themselves of an excusal option. Under the Religious Freedom Restoration Act, 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.

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: Students may display religious messages on items of clothing to the same extent that they are permitted to display other comparable messages. Religious messages may not be singled out for suppression, but rather are subject to the same rules as generally apply to comparable messages. When wearing particular attire, such as yarmulkes and head scarves, during the school day is part of students' religious practice, under the Religious Freedom Restoration Act schools generally may not prohibit the wearing of such items.

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 manner. 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.

(Source: Statement of Principles on Religious Expression in Public Schools, Richard W. Riley, Secretary, U.S. Department of Education, August 10, 1995)