

I. GENERAL STATEMENT OF POLICY

The School District shall neither promote nor disparage any religious belief or non-belief. Instead, the School District encourages all students and employees to have appreciation for and tolerance of each other's views.

The School District recognizes that religion has had and continues to have a significant role in the social, cultural, political, and historical development of civilization. The proper role of religion in the public schools is in its educational value and not in religious endorsement or celebration. Since a primary purpose of the public schools is to teach about the world that has been and the world that is, the role that religion has played in the historical and social development of humanity is essential to the curriculum.

The School District recognizes that one of its educational objectives is to increase its students' knowledge and appreciation of music, art, drama, and literature which may have had a religious basis or origin as well as a secular importance.

The School District supports the inclusion of religious music, art, drama, and literature in the curriculum and in school activities provided it is intrinsic to the learning experience and is presented in an objective manner without sectarian indoctrination.

II. RESPONSIBILITY FOR ENFORCEMENT OF POLICY

The Superintendent shall have the responsibility of ensuring that the study of religious materials, customs, beliefs, and holidays in the School District complies with this policy.

III. DEFINITIONS

- A. Instructional Time: Definition. "Instructional time" means any time a student is receiving educational instruction from a teacher or working under the supervision of a teacher. Instructional time generally begins when the scheduled class period officially begins and ends when the scheduled class period officially ends.
- B. Non-Instructional Time: Definition. "Non-instructional time" means any time that is not defined as "instructional time." Examples of non-instructional time include, but are not limited to, time spent in the classroom before the period officially begins or after it ends; time spent in the hallways between classes; time set aside for lunch; time set aside for recess; and time spent on the school bus.
- C. Prayer: Definition. "Prayer" means the act of making a reverent petition, devotion, confession, communication, or praise to God, a god, a messenger of a god, a supernatural being, a spirit, a power, or a spiritual leader.

- D. **Non-Curriculum Related Student Group: Definition.** A “non-curriculum related student group” is any student group that does not directly relate to the body of courses offered by the school. A student group directly relates to a school’s curriculum if the subject matter of the group is actually taught, or will soon be taught, in a regularly offered course; if the subject matter of the group concerns the body of courses as a whole; or if participation in the group results in academic credit.
- E. **School District: Definition.** “School District” means Independent School District No. 831, Forest Lake, and thus includes all public elementary, middle, and secondary schools located within the geographic boundaries and under the control of Independent School District No. 831, and all employees and Board members of Independent School District No. 831.
- F. **Religion: Definition.** “Religion” broadly refers to a sincerely held belief in or reverence for God, a god, a supernatural being, spirit, power, or the like; a personal or institutionalized system grounded in such belief or worship; or a set of sincerely held beliefs and practices based on the teachings of a spiritual leader.
- G. **Religious Material: Definition.** “Religious material” includes but is not limited to brochures, flyers, books, literature, and any other form of recorded data that advances or disparages a particular religion, religion generally, or any religious practice.
- H. **Distribution: Definition.** “Distribution” included but is not limited to posting materials on school walls, leaving materials on school property where students can access them, disseminating materials to one or more students, and sending materials to one or more students by means of electronic communication.

IV. STUDENT RIGHTS REGARDING RELIGION

A. Student Prayer and Religious Discussion in School

1. Non-Instructional Time

During non-instructional time, students may express and share their religious beliefs, carry religious materials (including scriptures such as the Bible, the Torah, or the Koran), read religious materials, pray aloud or silently, recite the rosary, or informally discuss religion with classmates. 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 shall not interfere with such activities, unless interference is reasonably necessary to maintain order in the school or to protect the rights of other students. School officials shall intercede to stop student speech that constitutes harassment aimed at a student or a group of students.

2. Instructional Time and Class Assignments

During instructional time, students may verbally express their ideas so long as their verbal expression is consistent with the subject matter being taught. However, students may not pray aloud during instructional time. Similarly, students may not

use the classroom to deliver a religious sermon to their classmates under the guise of an oral report or assignment. These rules cannot be avoided by excusing students who object to prayer in the classroom.

Similarly, the extent to which students may incorporate religion into their class assignments depends on the subject matter of the assignment. Students may write papers on religion, give oral presentations on religion, and create art with religious themes if religion is a substantively relevant topic. Teachers should consider religion to be a relevant topic when the subject matter of the assignment is broad or non-specific.

3. School Functions and School-Sponsored Events

No person (including a student, School District employee, School Board Member, clergy members, or rabbi) may initiate or vocalize a prayer as part of a regular school function, such as an assembly, athletic event, or pregame ceremony. Thus, coaches may not lead a team in prayer or call upon a team member to do so, before, during, or after an athletic event.

No person (including a student, School District employee, School Board Member, clergy member, or rabbi) may initiate or vocalize a prayer as part of a school-sponsored event, even if the prayer is nondenominational.

B. Excusing Students with Objections to Subject Matter Being Taught

1. Excusing Students from Class or Classroom Activity

On occasion, a student or parent will request that the school excuse the student from class or from participating in an activity based on religious objections to the activity or the subject matter being taught. The School District generally has broad discretion in deciding whether to excuse a student. However, there are some occasions when the School District must excuse a student from class or from participating in an activity.

If participation in a particular activity would cause a student to violate a sincerely held religious belief, the teacher shall excuse the student from the activity. For example, teachers must excuse a student who is a Jehovah's Witness from reciting the Pledge of Allegiance, because that religion prohibits the swearing of allegiance to any entity other than God.

If a student is excused from an educational activity or lesson on the basis of a religious objection, the teacher should, to the extent feasible, provide the student with an appropriate alternative that accomplishes the specific educational objective.

2. Religious Release Time: Excusing Students from School for Religious Instruction

At the request of a parent or guardian, a student shall be excused from school for a maximum of three aggregate hours per week in order to receive religious instruction conducted by a church, association of churches, or Sunday school association incorporated under Minnesota law. Minn. Stat. §120.101, subd. 9(3). The religious instruction shall be conducted in a place other than a public school building, and shall not be conducted at public expense. *Id.* The School District shall not encourage or discourage participation in such programs.

3. Excusing Students for Observance of Religious Holidays

See section VIII, part B of this policy.

C. Graduation Ceremonies and Baccalaureate Services

The School District shall not sponsor or encourage a prayer during a graduation ceremony. Thus, the School District shall not invite, encourage, or with prior knowledge allow any person (including a student, School District employee, School Board Member, clergy member, or rabbi) to begin or end a graduation ceremony with a prayer. This rule applies even if the prayer is non-denominational and students are not officially required to attend the graduation ceremony.

The School District shall not sponsor a baccalaureate service, even if it is entirely separate from the graduation ceremony. Op. Minn. Atty Gen. 169-j (1968). However, if the School District opens its facilities to private groups, it shall make its facilities available on the same terms to organizers of privately sponsored religious baccalaureate services. The School District shall disclaim endorsement of baccalaureate ceremonies and shall not extend preferential treatment to such ceremonies.

D. Student Access to School Grounds and Facilities for Religion Clubs

If the School District allows any non-curriculum related student group to meet on school grounds, the District shall not close its facilities to a student group desiring to use the facilities for religious worship or religious discussion. Once the District opens its doors to a non-curriculum related student group, it shall not pick and choose which student groups use its facilities. If the School District allows a non-curriculum related club (such as a chess club) to meet on school grounds, the District shall open the use of its grounds to all other student clubs.

The School District shall give religious clubs and secular clubs equal access to bulletin boards, PA systems, school-sponsored club fairs, and the like. However, the School District shall disclaim sponsorship of student religious groups and shall require student groups to disclaim sponsorship by the District.

School District employees may not urge students to attend a student-initiated religious group meeting; otherwise, the school may be viewed as endorsing religion. For the same reason, school employees may not participate in such meetings. The District may insist that each meeting be attended by a school employee. This employee may maintain order, but may not play an active role in the meeting. The employee may interfere with a student-initiated religious meeting only to the extent necessary to preserve discipline, protect the rights of other students, or prevent an unlawful act.

E. Use of School Facilities by Outside Religious Groups

The School District will not discriminate against a community group simply because the group desires to express a religious viewpoint on a particular subject. Thus, if the District makes its facilities available to other community groups, the District shall make its facilities available to religious community groups. See also section VII of this policy (Clergy Members Meeting with Students at School); and section VI, part I of this policy (Teachers Holding Religious Meetings on School Premises).

F. Student Religious Garb and School Dress Codes

1. School Rules Prohibiting Students from Wearing Certain Clothing, Jewelry, or Hair Styles

Religious messages may not be singled out for suppression. The School District shall not forbid students from expressing their personal religious beliefs solely because they are of a religious nature.

Students may wear religious garb and jewelry, and may display religious messages on items of clothing or jewelry, to the same extent that they are permitted to display other comparable messages. Generally, this means that students may wear jewelry or clothing which contain written or symbolic expressions so long as such attire is not vulgar or obscene and does not infringe on the rights of other students.

The same general rule applies to students who wish to express their religion by the manner in which they wear their hair. The School District shall not prohibit students from having long hair when long hair is part of a sincerely held religious belief or expression of faith.

2. School Rules Requiring Students to Wear Certain Clothing

The School District shall not require any student to wear clothing that violates a sincerely held religious belief. This rule generally arises in the context of physical education classes. Students are not required to wear gym clothes which -- for sincere religious reasons -- the student considers immodest.

G. Vaccination Requirements

The School District shall not require a minor student to be immunized if the District has received a notarized statement, signed by the student's parent or guardian, stating that the student has not been immunized because of the conscientiously held beliefs of the parent or guardian.

V. FACULTY RIGHTS AND SCHOOL DISTRICT RESPONSIBILITIES REGARDING RELIGION IN THE SCHOOLS

A. Prayer in School

School District employees may pray outside the presence and hearing of students during non-instructional time. District employees may also privately discuss religion with other employees outside the presence and hearing of students.

B. Religious Practices of School Employees

While acting in their capacity as a School District employee, employees may not pray aloud while in the presence of a student or discuss personal religious beliefs with a student. Similarly, employees may not read scriptures or other religious materials, silently or aloud, in the presence or hearing of a student, unless the or religious material is being used as a text to teach *about* religion. Proselytizing or attempting to proselytize students is prohibited. Employees may not visibly wear garb that endorses religion or non-religion. Employees may not display scriptures or other religious symbols in class, unless the display is temporary and the symbol is used as a legitimate teaching aid or resource as part of a course teaching *about* religion. Employees may not distribute religious material literature that is not being used as a text to teach *about* religion.

C. Moment of Silence

The School District may require teachers and students to observe a moment of silence. Minn. Stat. §126.091. The moment of silence shall not substantially exceed one minute.

The sole purpose for having a moment of silence is to help students make the transition to concentrating on educational studies. School District employees shall not state or suggest that the moment be used for silent prayer. Students shall not be asked to perform a religious ritual, such as bowing their heads or folding their hands, during the moment of silence.

D. Teaching *About* Religion

The Constitution permits objective teaching *about* religion, as opposed to religious instruction. Certain classes cannot be taught adequately without reference to religion. For example, a complete study of the history of civilization, literature, art, or music requires some understanding about religion.

Any course that teaches about religion shall be devoid of denominational bias. Sectarian texts shall not be used in any such course. Any course or part of a course about religion shall be taught objectively as part of a secular program of education.

1. Music

Performance, whether in formal concert or in the classroom, is an important part of musical study. Performances, including programs and concerts, may include music with both a religious and a secular importance, but generally may not incorporate religious readings or dramatization of religious stories. The total effect of any music program or concert shall be secular.

Music programs or concerts presented at times close to religious holidays shall not use the religious aspect of the holidays as the underlying theme. The program or concert should be representative of the students' work for the quarter or semester.

The selection of music, for performance or other form of study, shall be based primarily on musical merit and the potential to cultivate musical knowledge, understanding, skills, growth, and appreciation in students.

2. Art and Drama

The study of art or drama may include works with a religious and secular importance, provided that (a) such works are presented in an objective, nonsectarian manner, and (b) the study of such works is limited to the extent reasonably necessary for a balanced and comprehensive understanding of the subject matter.

E. Teaching Evolution and Creationism

The School District may require its biology teachers to teach students about evolution, because it is a scientific theory, not a religious belief. The School District shall not prohibit the instruction of evolution or require that the instruction of evolution be balanced with the instruction of creationism.

Teachers may teach *about* the different beliefs of human origin as part of a history or anthropology course, provided that religious beliefs are identified as such. Religious beliefs such as creationism may not be identified as science and may not be endorsed by teachers while acting in their capacity as a School District employee.

F. Teaching Values

School District employees may actively teach civic values and virtue, as well as the moral code that holds our society together. The mere fact that some values are held by certain religions does not mean that those values cannot be taught in school.

G. Religious Materials in the School Library

School libraries may contain significant religious materials, including scriptures, provided that no one sect's material is favored, and that the library as a whole does not show any preference for religious works.

H. Removing Religious and Anti-Religious Books from the Curriculum or Library

The School Board is constrained by the First Amendment in deciding whether to remove a book from the library. The Board shall not seek to prescribe what is orthodox in politics, nationalism, religion, or other matters of expression. Accordingly, the Board shall not remove a book from a list of suggested readings or from the library solely because the book criticizes religion, advances a religious belief with which the Board disagrees, or contains ideas which the Board dislikes. However, the Board may remove a book that is vulgar, obscene, or otherwise educationally unsuitable. (See School Board Policy 605, Selection and Use of Instructional Materials.)

I. Teachers Holding Religious Meetings on School Premises

While at school, teachers may informally discuss religious topics among themselves, provided that the discussions do not interfere with their duties and do not take place in the presence or hearing of students. In addition, teachers may hold religious meetings in an empty public school classroom, before or after school, if the School District generally permits its employees or teachers to use empty classrooms for meetings on whatever topic they choose. Students may not be present at such meetings.

J. Employee Absence for Observance of Religious Holidays

See section VII, part C of this policy.

VI. DISTRIBUTION OF SCRIPTURES AND OTHER RELIGIOUS MATERIAL

A. Distribution by Students

Generally, freedom of speech and freedom of expression include the right not only to speak or write for oneself, but also to distribute the writings (speech) of others. Different rules apply depending on whether the literature is sponsored by the School District.

1. School Sponsored

The School District may impose reasonable restrictions on the speech of students involved in a school-sponsored activity, such as a school newspaper. Thus, the School District may exercise editorial control over the style, content, and distribution of student speech in school-sponsored literature, provided that the literature is not a forum for public expression and that the exercise of control is reasonably related to a legitimate educational purpose or concern.

2. Not School Sponsored

The School District shall not regulate the content of student speech that is not school sponsored. Students may distribute religious materials to their schoolmates on the same terms as they are permitted to distribute other materials that is unrelated to school curriculum or activities. This means that the district may impose the same reasonable time, place, and manner restrictions on the distribution of religious literature as it does on non-school sponsored literature generally, but the District may not single out religious literature for special regulation.

A rule confining the distribution of all non-school sponsored literature to a location such as the building principal's office or a building entrance is an example of a time, place, or manner regulation. Such regulations benefit all students because they help keep hallways free of clutter and help forestall overly aggressive efforts to force literature on timid students. All time, place, and manner regulations shall (1) apply without regard to content of the literature; (2) leave open reasonable alternative channels of communication; and (3) further an important governmental interest.

Students shall obtain approval from the Administration *before* distributing any written materials on school grounds. This precaution is necessary to protect students from obscene, vulgar, and defamatory materials. The building principal shall approve or disapprove of the material in a reasonable amount of time. Distribution will be prohibited if the material is obscene, vulgar, defamatory, or illegal.

In order to avoid the appearance of School District endorsement or sponsorship, the School District may prohibit the distribution of any material that does not conspicuously disclaim sponsorship by the School District.

B. Distribution by School District Employees

School District employees shall not distribute religious literature to students on school grounds.

C. Distribution by Outsiders

No person may distribute religious literature to students during instructional time.

If the School District permits any group (such as a school ring vendor) to distribute literature to students on school property during non-instructional time, the District shall permit religious groups to distribute religious literature to students on school property during non-instructional time. The District shall not give preferential access to one religious group over another.

Religious groups may distribute religious literature on the public sidewalks in front of the schools.

School District employees shall not assist in the distribution of any religious literature. No public funds shall be used to assist in the distribution of any religious literature.

Students shall be free to take or leave whatever literature they wish without being compelled to forcibly or repeatedly reject it. Religious literature may not be thrust into students' hands.

VII. CLERGY MEMBERS MEETING WITH STUDENTS AT SCHOOL

No person (including an adult volunteer, or clergy member) may provide religious instruction to students on school property during regular school hours, meaning from the time school officially begins in the morning until the last scheduled class ends.. Thus, no person may teach religion to students or tell scripture stories to students on school property during lunch or recess.

However, religious groups led by an adult volunteer or clergy member may meet and discuss religion on school property after school hours, provided that the District makes its facilities available to non-religious community groups after school hours. See Section IV part E of this policy (Use of School Facilities by Outside Religious Groups). Clergy members may use and be present on school property to the same extent as other adults in the community. Thus, clergy members may be present on school property to provide grief counseling or other forms of community support.

The issue of whether clergy members may meet with students at school during the school day must be distinguished from whether a *student group* may meet at school during regular school hours. Student religion clubs may meet in an empty classroom during lunch or recess if the school allows other students groups to meet in empty classrooms during lunch or recess. See section IV, part D of this policy (Student Access to School Grounds and Facilities for Religion Clubs).

VIII. HOLIDAY PROGRAMS AND OBSERVANCES

A. Observing Holidays with Both a Religious and a Secular Basis

The School District shall permit the observance of holidays with both a secular and a religious basis, provided that the observance is conducted in a prudent and objective manner. The observance may include music, art, literature, and drama that is part of the cultural and religious heritage of the holiday. For example, the District may permit students to sing carols at Christmas time. Christmas carols, which can be traced back as early as the 16th century, have achieved a cultural significance that justifies their being in the public schools.

Religious symbols (including a cross, menorah, crescent, Star of David, Christmas tree, nativity scene, and symbols of Native American religions) may be used as a teaching aid or resource, provided that they are displayed as a part of the cultural and religious heritage of the holiday and that the display is temporary in nature.

Not all religious holidays have both a secular and a religious basis. The District shall not observe purely religious holidays. Schools within the District may observe Christmas, Valentines' Day, St. Patrick's Day, Easter, Hanukkah, Thanksgiving, and Halloween, because these holidays have both a secular and a religious basis. Prior permission shall be obtained from the Superintendent before other holidays are observed.

B. Student Absence for Observance of Religious Holidays

The School District shall accommodate any student who wishes to be excused from a curricular activity for a religious observance, at least for a reasonable number of days. Minn. Stat. §120.106. The District shall not penalize a student who is absent for a religious holiday. The refusal to provide a make-up exam or the lowering of a student's grades are considered penalties.

Students should not be unnecessarily burdened by attendance procedures when they seek to be excused from attending school for observance of a religious holiday. Schools should develop sensitive and respectful procedures that enable students to privately identify the need to be absent, without calling undue attention to the absence.

The School District need not close school on religious holidays in order to avoid a conflict with students' religious practices. However, as a matter of administrative convenience, the District may close school in order to avoid the absence of large numbers of teachers or students.

C. Employee Absence for Observance of Religious Holidays

Title VII of the 1964 Civil Rights Act provides that employers, a term which includes school boards, must reasonably accommodate the religious observances of employees. An employer may offer an employee any reasonable accommodation, even though other available means of accommodation may be less onerous to the employee. This means that the District may refuse to grant paid leave to observe religious holidays, but it must allow employees to use their personal days for religiously motivated absences.

Adopted: 11-17-97