

P1501 FIRST AMENDMENT RELIGIOUS RIGHTS

BOARD POLICY:

Unified School District No. 259 teachers must recognize students' First Amendment religious rights. The United States Constitution's First Amendment imposes two equally important obligations on public schools. First, schools must not forbid students acting on their own from expressing their personal religious views or beliefs. Second, schools may not endorse religious activity or doctrine and students may not coerce participation in religious activity. Schools must give students the same rights 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 non-disruptive manner during the school day when they are not engaged in school activity and instruction, subject to the same rules as apply to other speech. Notwithstanding anything to the contrary in this policy or other District policies, participation in constitutionally protected prayer in elementary or secondary schools shall be allowed.

Administrative Implemental Procedures:

Because of these obligations, the following procedures apply to any religious content or subject matter occurring in schools:

1. Individual students may engage in private, quiet, religious activities, so long as the conduct is not disruptive. This activity does not include the right to have a captive audience listen, or to compel other students to participate. Students may speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. Teachers and school administrators should ensure that no student is in any way coerced to participate in religious activity. Student speech that constitutes harassment aimed at a student or group of students shall not be allowed.
2. State statute (K.S.A. 72-9929) provides "Period of silence authorized. In each public school classroom the teacher in charge may observe a brief period of silence with the participation of all the students therein assembled at the opening of every school day. This period shall not be conducted as a religious exercise but shall be an opportunity for silent prayer or for silent reflection on the anticipated activities of the day." If a teacher chooses to have a period of silence, the period of silence must be conducted for educational purposes. A teacher who chooses to have a period of silence must not encourage or inhibit prayer during that time.
3. Teachers and school administrators, when present on school premises, when attending school sponsored events, or when otherwise acting as teachers and school administrators are representatives of the State and, as such, are prohibited from soliciting or encouraging religious activities, participating in religious activities with students, discouraging an activity because of religious content, or soliciting or encouraging anti-religious activities. The prohibitions set forth above do not apply to teachers and school administrators when they are not on school premises, when they are not attending school sponsored events, when they are not otherwise acting as teachers or school administrators, or when they are attending non-school sponsored events, regardless of where such events are held.

4. Objective teaching about religion is permitted. Public schools may not provide religious instruction. The following may be taught about religion: 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. It is permissible to teach religious influences on art, music, literature, and social studies. 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. In teaching about religion, teachers are prohibited from promoting, criticizing, or ridiculing a religion.
5. The temporary use of religious symbols such as a cross, Menorah, crescent, star of David, crèche, symbols of Native American religion, or other symbols that are a part of the religious holiday are permitted as teaching aids if they are displayed as an example of a holiday's cultural and religious heritage.
6. Students may express their beliefs about religion in the form of homework, artwork, and other written and oral expression, free of discrimination, based on the religious content of their submissions. Such home and classroom work should be judged by academic standards of substance and relevance, and against other legitimate pedagogical concerns identified by the school.
7. Participation in constitutionally protected prayer in elementary or secondary schools shall be allowed.

Board counsel has approved this policy as to legal form and content.

Administrative Responsibility: Learning Services

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