

# ***RELIGION IN THE PUBLIC SCHOOL***

**Greenwood School District 50  
2012**

## S. C. CODE ANN. 59-17-140

“Effective July 1, 2001, each school district during annual in-service training shall provide a program of instruction for employees in the essentials of constitutional protections and prohibitions as they relate to religion and public school operations.”

# Balance

- ***“Public Schools may not inculcate nor inhibit religion. Schools must be places where religion and religious conviction are treated with fairness and respect.”***

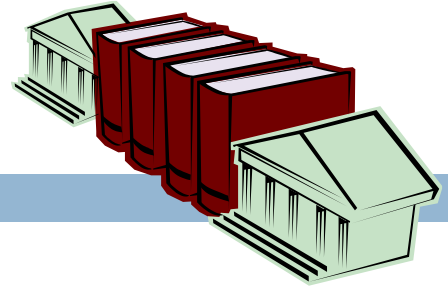


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# First Amendment



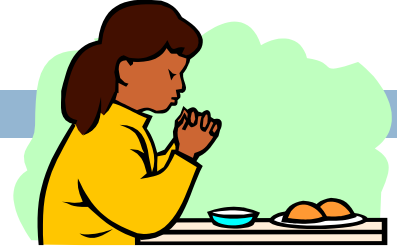
- *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.*

# Lemon v. Kurtzma



1. The actions have a secular purpose;
2. The actions do not have the principal or primary effect of ***advancing*** or ***inhibiting*** religion;
3. The actions do not foster an excessive entanglement of government with religion.

# 1. Student Prayers



- Santa Fe Independent School District v. Doe 530 U. S. 290 (2000) **Football**
  - ***The Court ruled prayer over a loudspeaker at a government sponsored event on government property (football game on district property) is a violation of the Establishment Clause***

# Student Prayer and Religious Discussion



- Establishment Clause does not prohibit **purely private** religious speech
- Students may read Bibles, say grace, say prayer **anytime it is not disruptive to the learning process**
- Informal gatherings are ok (Meet at Pole)
- School may **neither discourage or encourage**



## 2. Graduation Prayers and Baccalaureate Activities



- Lee v. Weisman 505 U. S. 577 (1992)
- **Ruled graduation prayers unconstitutional**

# Baccalaureate Activities



- “A school may not extend **preferential** treatment to baccalaureate ceremonies and may in some instances be obligated to disclaim official endorsement of such ceremonies.”

### 3. Participation in or Encouragement of Religious Activity

- **Teachers and school administrators or employees**, 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.



# Participation Continued

- **Employees also are prohibited from discouraging activity because of its religious content, and from soliciting or encouraging anti-religious activity.**

## 4. Religion in School Curriculum

- **Religion is a natural part of history**, which is included in the approved curriculum in SC.
- When the topic is addressed, the **emphasis must be purely academic** and not devotional.
- Schools **may teach about religion** and its influence on areas such as art, music, literature, and social studies.



## 5. Religious Content in 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.



## 6. Distribution of Religious Literature



- Schools **generally shall not permit formal distribution** of any materials from any non-school organization, regardless of the content of the materials **on school property**. Accordingly, students generally should not distribute flyers to all students on a mass level at specific established locations at the school. **Students can distribute information on an informal basis that is not disruptive.**

# More on Distribution of 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 reasonable time, place, and manner on distribution of religious literature as they do on nonschool literature generally.



## 7. Student Participation in Religious Events Before and After School

- **There is no legal reason not to allow students to participate in religious events “before and after school,”** which do not interfere with instructional time or the educational process.



## 8. Religious Persuasion vs. Religious Harassment



- While students may speak about and try to persuade peers on religious issues, **students may not be compelled to participate in religious discussions.** Persuasion becomes harassment when the recipient of the speech acknowledges his/her desire not to participate. School officials should intercede to stop harassment immediately.

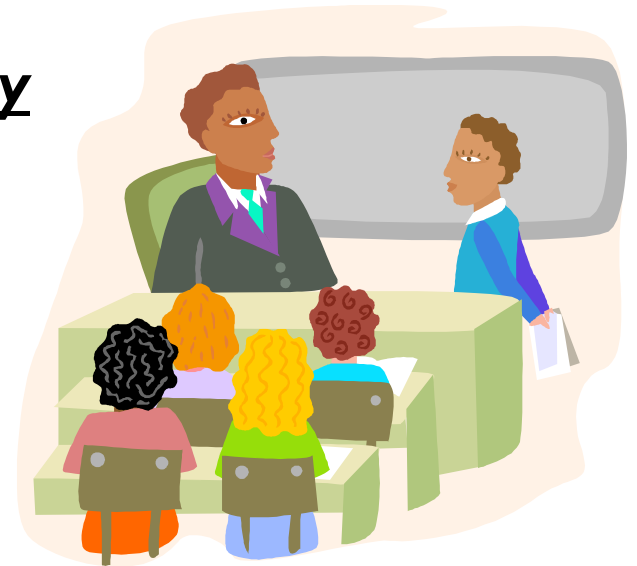
# 9. Religious Holidays



- 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.

## 10. Permitted Absences from Objectionable Lessons in Religion

- **Administrators and teachers should try to accommodate the reasonable requests** of parents and students to be excused from objectionable lessons, discussions, or activities concerning religion.

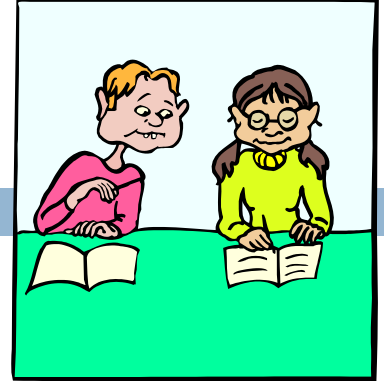


# 11. Released Time for Religious Instruction



- Subject to applicable State laws, **School Boards may allow religious instruction off school property.** If allowed, schools may not encourage or discourage participation or penalize those who do attend.

# 12. 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.*

# 13. Religious Attire

- Schools enjoy substantial discretion in adopting policies relating to student dress and school uniforms. **Students have no Federal right to be exempted from religiously-neutral policies.** Schools may not single out certain religious attire, but must impose the policies as adopted.



# 14. Federal Equal Access Act

- Generally, if secondary public schools have a **limited open forum**, (allows non-curriculum clubs to meet), the school must allow religious groups the same access to the school media, (PA system, school newspaper, bulletin board).





# 15. Establishment of Religion



- State law, S. C. Code Ann. 59-1-443 (Supp. 2000), requires all schools to “provide for a minute of mandatory silence at the beginning of each school day.”

# End of Module

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[Click Here](#) to return to  
the Employee Training  
Page