

Religion in the Public School

Greenwood School District 50

2014

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



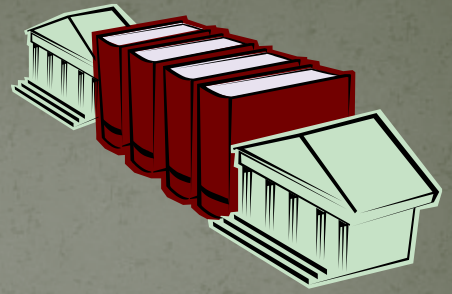
- *“Public Schools may not inculcate nor inhibit religion. Schools must be places where religion and religious conviction are treated with fairness and respect.”*

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.”



First Amendment



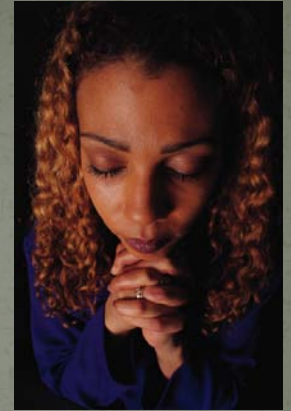
- *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.*

Lemon v. Kurtzman



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.

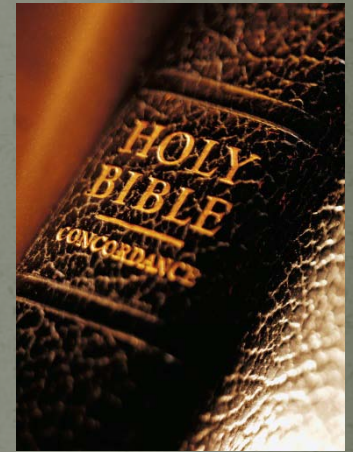


Participation Continued

- 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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