

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS

The board directs that no religious belief or non-belief shall be promoted in the regular curriculum or in district-sponsored courses, programs or activities, and none shall be disparaged.

However, the board recognizes that a genuine and broad secular program of education is furthered by advancement of pupils' knowledge of our society's cultural and religious heritage. Therefore, the several holidays throughout the year which have both a religious and a secular basis may be recognized in the school by use of material having secular or cultural significance.

The instructional program of the school should inform pupils of the many beliefs and customs stemming from religious, racial, ethnic and cultural heritages. Such instruction should be designed to broaden the pupils' understanding of and tolerance for the multiple ways of life enjoyed by the peoples of the world.

Songs and customs which have come to us from the various ethnic, religious and racial elements of our population should be used to broaden our pupils' awareness of the contributions which each segment has made to the composite American culture.

Music, art, literature and drama having religious themes or bases are permitted as part of the curriculum for school-sponsored activities and programs if presented in an objective manner and as a traditional part of the cultural and religious heritage of the particular holiday.

The use of religious symbols such as a cross, menorah, crescent, Star of David, crèche, symbols of Native American religions or other symbols that are part of a religious holiday is permitted as a teaching aid or resource, provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature.

Any instruction in the school which may be contrary to a pupil's religious beliefs and teachings shall be viewed as optional for the pupil. The Superintendent of Schools shall develop a procedure to be followed so that appropriate parental notification as such topics takes place.

The board shall not prevent, or otherwise deny participation in, constitutionally protected prayer in any district school, consistent with guidance issued by the United States Department of Education and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution.

**Date Reviewed: January 16, 2008**

**Adopted: March 19, 2008**

**Legal References:** Use legal reference sheet.

**Cross References:** List your appropriate policies. See legal reference sheet for possibilities.

**Key Words:** Religious Beliefs, Holiday, Religious Symbols

**Legal References**

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**Other Reasons:**

This can be a topic of critical concern to the district. Case law is extensive.

It has been established that teaching about religious holidays and practices is acceptable, as long as they are not actually celebrated. Holiday displays are acceptable as long as they do not advance religion and are temporary in nature.

School sponsored prayers are forbidden. They should not occur in the classroom, or as a part of assemblies or extracurricular activities. Invocations and benedictions conducted by the clergy at graduations have been held to be a violation of the establishment clause of the first amendment to the Constitution. Federal District Court of the Third Circuit recently held student-initiated prayers at graduation to be forbidden.

At the same time, schools cannot forbid individual student expressions of religious belief, as long as such expressions do not constitute harassment aimed at other students.

In regard to secondary schools that receive federal funds only, the Equal Access Act requires pupil-initiated extracurricular groups of a religious nature to have the same access to the use of the school facilities for meeting purposes that is enjoyed by secular groups, in the case that the school has an open forum (clubs or activities are not necessarily related to the curriculum).

**Recommendation:**

A policy that emphasizes the board's intent to use religious expressions, displays, etc., to instruct and enlighten rather than to advance any particular religious viewpoint.

Provision should be made for students' nonparticipation.

**Legal References:**

- N.J.S.A. 18A:11-1            General mandatory powers and duties
- N.J.S.A. 18A:36-16        Rules regarding religious holidays
- N.J.S.A. 18A:54-20        Powers of board (county vocational schools)

U.S.C.A. Const. Amends. 1, 14

20 U.S.C.A. 4071 - Equal Access Act

Florey v. Sioux Falls School District, 619 F.2d. 1311 (8th Cir. 1980)

Lynch v. Donnelly, 465 U.S. 668, 104 S.Ct. 1355, 79 L.E.D. 2d 604 (1984)

Edwards v. Aguillard, 482 U.S. 578 S.Ct. 2573, 96 L.E.D. 2d 510 (1987)

Lee v. Weisman, 505 U.S. \_\_\_, 112 S.Ct. 2649, 120 L.E.D. 2d 467 (1992)

American Civil Liberties Union v. Blackhorse Pike Regional Board of Education, F. 2d (3d Cir. 1996) (No. 94-5233 decided May 24, 1996)

**Possible Cross References:**

- \*5113       Absences and excuses
- \*5127       Commencement activities
- \*5131       Conduct/discipline
- \*6115       Ceremonies and observances
- \*6121       Affirmative action
- \*6144       Controversial issues
- \*6161.2    Complaints regarding instructional materials

\*Indicates policy is included in the Critical Policy Reference Manual.