

## Religion In The Public Schools

Mt. Vernon City Schools  
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## Today's Topics

- Religious Liberty in America
- Prayer in School
- Religion in the Curriculum
- Evolution vs. Creationism
- Teaching About Religious Holidays
- Religious Displays
- Student Religious Clubs
- Distribution of Religious Materials
- Teacher Religious Expression
- Board Policies Concerning Religion

## Religious Liberty in America

- James Madison:
  - "Religion and government will both exist in greater purity, the less they are mixed together."
  - "The purpose of the separation of church and state is to keep forever from these shores the ceaseless strife that has soaked the soil of Europe in blood for centuries."

## Religious Liberty in America

- Thomas Jefferson:
  - "religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their Legislature should 'make no law respecting the establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church and State."

## Religious Liberty in America

- "A union of government and religion tends to destroy government and degrade religion."
- Justice Hugo Black in *Engel v. Vitale* (1962)

## Religious Liberty In America

- Establishment Clause:
  - "Congress shall make no law respecting an establishment of religion."
- *Santa Fe Ind. School Dist. V. Doe*:
  - "School sponsorship of a religious message is impermissible because it sends an ancillary message to members of the audience who are nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored."

## Religious Liberty In America

- Lemon Test
  - Does the policy have secular purpose?
  - Primary effect which neither advances nor inhibits religion?
  - Entanglement of religion and government?
- Students must never be given the impression their school sanctions one religion over another or religion in general.

## Religious Liberty in America

- Free Exercise Clause:
  - "Congress shall make no law . . . prohibiting the free exercise thereof [of religion]."

## Prayer in School

- General Rule
  - Organized prayer in the public school setting, whether in the class room or at a school sponsored event is unconstitutional. The only type of prayer that is constitutionally permissible is private, voluntary student prayer that does not interfere with the school's education mission.

## Prayer in School

- May students pray?
  - Voluntary, individual prayer that is not coercive and does not substantially disrupt the school's education mission and activities.
  - Students may engage with other students in religious activities during non-curricular periods as long as the activities are not disruptive or coercive.

## Prayer in School

- Can a school or state require a moment of silence in the classroom?
  - When Alabama tried to set aside a moment of silence of meditation or prayer, the Supreme Court found the statute was enacted for the purpose of advancing religion and found it unconstitutional.

## Prayer in School

- Can there be prayer before or after athletic events or activities.
  - A policy permitting student-led, student-initiated prayer before football games is unconstitutional.
  - A coach may not initiate or lead a team in prayer.
  - A coach may not ask a team member to initiate a prayer before, during or after a game.

## Prayer in School

- Can there be prayer at graduation ceremonies?
  - Prayers delivered by clergy at official public school graduation ceremonies are unconstitutional.
  - The fact that a prayer is nondenominational or voluntary does not render it constitutional.

## Prayer in Schools

- May teachers pray in school?
  - It is unconstitutional for teachers to pray **with or in the presence of** students in school or in their capacities as teachers or representatives of the school.
  - Teachers may have their free speech and free exercise rights to speak about religious matters and otherwise say prayers in the presence of students abridged in an effort to ensure that there is no appearance that the school is violating the Establishment Clause.

## Religion in the Curriculum

- **General Rule:**
  - Public schools may not teach religion, although teaching about religion in a secular context is permitted.
  - The Bible may be taught in a school, but only for its historical, cultural or literary value and never in a devotional, celebratory or doctrinal manner, or in such a way that encourages acceptance of the Bible as a religious document.

## Religion in the Curriculum

- **Teaching About Religion**
  - Programs that "teach about religion" are geared toward teaching students about the role of religion in the historical, cultural, literary and social development of the United States and other nations.

### Religion in the Curriculum

- **May schools teach the Bible as literature?**
  - The Bible may be studied as literature, but not as religious doctrine.
  - The lesson must be secular, religiously neutral and objective.

### Religion in the Curriculum

- **May schools teach secular values which coincide with religious values?**
  - Yes, schools may and should teach secular values such as honesty, respect for others, courage, kindness and good citizenship.
  - The fact that most religions also teach these values does not change the lawfulness and desirability of teaching them.

### Religion in the Curriculum

- **What happens when a student responds to a secular assignment with religious expression?**
  - Where a student responds to an assignment (for example, a book report) with a religiously-themed project (for example, reporting on a religious tract), a school may not refuse to accept the assignment solely because it has a religious basis (students have a right to free expression).
  - Educators are able to exercise considerable control over "student expression to assure that participants learn whatever lessons the activity is designed to teach, that readers or listeners are not exposed to material that may be inappropriate for their level of maturity, and that the views of the individual speaker are not erroneously attributed to the school."

### Evolution v. Creationism

- **General Rule:**
  - Evolution must only be taught as scientific fact. Creationism may not be taught as science under any circumstances.

### Evolution v. Creationism

- May a science teacher who teaches evolution also teach creationism?
  - No. Educators may not teach, as fact, the theory that humankind was created by a divine being. In science classes.
  - Educators must present only scientific explanations for life on earth and scientific critiques of evolution.
  - Disclaimers regarding the theory of evolution as the only explanation for the development of humankind have been found to be unconstitutional.

### Evolution v. Creationism

- May creationism ever be discussed in the public schools?
  - Yes. Creationism may be included in classes on comparative religion as an example of how some religious groups believe human life began.
  - Creationism may NEVER be taught as scientific fact.

### Teaching About Religious Holidays

- General Rule:
  - Teaching about a holiday will be constitutional if:
    1. it furthers a genuine secular program of education,
    2. is presented objectively, and
    3. does not have the effect of advancing or inhibiting religion.

### Teaching About Religious Holidays

- May religious symbols be used as teaching aids in the classroom?
  - Yes. Religious symbols such as crosses, creches and menorahs may be used as teaching aids in the classroom provided that the symbols are displayed as examples of the cultural and religious heritage of the holiday, and are temporary in nature.
- May religious symbols be used as decorations?
  - No. Religious symbols are not permissible seasonal or permanent decorations

### Teaching About Religious Holidays

- May school assemblies or special events include religious music?
  - Yes, provided they are part of a secular program of education.
  - An event may not promote or denigrate any particular religion.
  - The program must be primarily secular, objective and educational.

### Religious Displays on School Property

- General Rule:
  - Displays of religious symbols, texts or artwork on school property are impermissible unless a display is integrated into an appropriate secular curriculum.
  - The fact that a display is donated by a private group or paid for by private funds will not affect whether it is permissible under the Establishment Clause.

### Religious Displays on School Property

- May a school permanently display the Ten Commandments within classrooms or on school property?
  - No. A temporary display of the Ten Commandments integrated into a secular curriculum such as history or comparative religion may be permissible.
  - The Ten Commandments are "undeniably" a religious text, courts evaluating permanent displays of the Ten Commandments have found such displays have a predominantly religious purpose and violate the Establishment Clause.

### Religious Displays on School Property

- May a school permanently display religious artwork within classrooms or on school property?
  - No. Similar to displays of the Ten Commandments, a temporary display of religious artwork integrated into a secular curriculum may be permissible. However, courts also have found that permanent displays of religious artwork have a predominantly religious purpose and violate the Establishment Clause.

## Student Religious Clubs

- General Rule:
  - The Equal Access Act ("EAA") requires public schools which meet certain criteria to treat all student-initiated groups equally, regardless of the religious, political, philosophical or other orientation of the groups.
  - To the extent a school board opens its school facilities to *any* student-led and run non-curriculum related group, it must uniformly open its facilities to all student-led and run groups, including religious ones.

## Student Religious Clubs

- Does the EAA apply to all schools?
  - No. The EAA only applies to schools that meet a three-part test. The school must:
    1. Be a public secondary school;
    2. Receive federal financial assistance; and
    3. Have designated certain facilities as a "limited open forum."

## Student Religious Clubs

- What restrictions does EAA place on non-curriculum related student groups?
  - The group must be student-initiated.
  - The group must be student-sponsored and student-led.
  - Participation in the group must be voluntary.

## Student Religious Clubs

- What are the restrictions and obligations placed upon the school, its agents and employees by the EAA?
  - School personnel, including teachers, may not initiate, sponsor, promote, lead or participate in religious club meetings. However, school personnel may be required to monitor club meetings.
- May outsiders attend meetings?
  - Outsiders, such as clergy members, may not initiate club meetings. Outsiders "may not direct, conduct, control or regularly attend activities of student groups."
  - Outsiders may occasionally attend club meetings if invited by the students and if the school does not generally prohibit such guests.



### Distribution of Religious Material

- Student Distribution - General Rule:
  - The Supreme Court has recognized students' right to free expression in public schools under the free speech clause of the First Amendment. However, this right is not absolute.

### Distribution of Religious Material

- By School Personnel on School Property to Students
  - Distribution by teachers to students would be considered endorsement in violation of the Establishment Clause.

### Teacher Religious Expression

- General Rule:
  - Public schools must maintain religious neutrality and public school teachers, who are the employees and agents of the public schools, must not interfere with this objective.
  - Teachers may not participate in religious activities or advocate particular religious views when they are teaching or counseling students or acting as representatives of the school.

### Teacher Religious Expression

- May teachers share their religious views with students?
  - No. Teachers should avoid sharing their personal religious views with students.
  - Students must never be encouraged to accept or conform to specific religious beliefs or practices.
  - The Constitution requires governmental agencies to see that state-supported activity -- such as a classroom -- is not used for religious indoctrination.
  - Courts have held that public school officials have the authority to prevent teachers from giving students and others the impression that the school prefers a particular religion, or religion in general.

## Teacher Religious Expression

- May a teacher keep a Bible on his or her desk?
  - Courts have found it constitutionally impermissible to keep a Bible on the desk when it is used for other than secular purposes.

## Board Policy 2270 Religion in the Curriculum

- Permits instruction on religions of the world
- Materials that are religious in nature are not barred per se.
- Religion must be dealt with:
  - To neither inhibit nor advance any religion
  - No devotional practice
  - Use of art, literature and music descriptive of religion is permitted
- Prohibits devotional exercises
- Prohibits displays of a religious character
- Prohibits instructional activities from advancing religion



## Board Policy 6800 – Religious Ceremonies, etc.

- Prohibits use of prayer, religious readings or religious symbols as devotional exercise, act of worship or celebration
- Prohibits dissemination of any religious or anti-religious documents
- Nonreligious decorations and secular works are permitted but activities must be strictly voluntary
- Prohibits intimidation of students by other students or staff
- Nonparticipating students rights and dignity must be protected.



## Tests to be used when activities appear to be religious in nature

- Does it serve the educational purpose and goals of the District?
- Is the purpose secular?
- Will it neither advance nor inhibit a religion?
- Will it avoid excessive entanglements between the schools and a religion?

## Mt. Vernon City School District Bylaws & Policies

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### 2270 - RELIGION IN THE CURRICULUM

Based on the First Amendment protection against the establishment of religion in the schools, no devotional exercises or displays of a religious character will be permitted in the schools of this District in the conduct of any program or activity under the jurisdiction of the Board. Instructional activities shall not be permitted to advance or inhibit any particular religion.

An understanding of religions and their effects on civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, curriculum may include as appropriate to the various ages and attainments of the students, instruction about the religions of the world.

The Board acknowledges the degree to which a religious consciousness has permeated the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the District's schools frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may be religious in nature shall not, by itself, bar their use in the District. The Board directs that professional staff members employing such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.

The Board recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the education of the District's students, not for its conformity or nonconformity to religious principles. Students should receive unbiased instruction in the schools, so they may privately accept or reject the knowledge thus gained, in accordance with their own religious tenets.

Accordingly, no student shall be exempted from attendance in a required course of study on the grounds that the instruction therein interferes with the free exercise of his/her religion. However, if after careful, personal review of the program's lessons and/or materials, a parent indicates to the school that either the content or activities conflict with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from a particular class period for specified reasons. The student will be provided with alternate learning activities during the times of such parent requested absence.

No classroom teacher shall be prohibited from providing reasonable periods of time for activities of a moral, philosophical, or patriotic theme. No student shall be required to participate in such activities if they are contrary to the religious convictions of the student or his/her parents or guardians.

U.S. Const. Amend. 1  
R.C. 3313.601

Revised 1/6/03

Mt. Vernon City School District  
Bylaws & Policies

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## 8800 - RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES

Decisions of the United States Supreme Court have made it clear that it is not the province of a public school to advance or inhibit religious beliefs or practices. Under the First and Fourteenth Amendments to the Constitution, this remains the inviolate province of the individual and the church of his/her choice. The rights of any minority, no matter how small, must be protected. No matter how well intended, either official or unofficial sponsorship of religiously-oriented activities by the school are offensive to some and tend to supplant activities which should be the exclusive province of individual religious groups, churches, private organizations, or the family.

District staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in an act of worship or celebration. The District shall not act as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on District property by any party shall be in accordance with Policy 7510 and AG 7510 - Use of District Facilities and Policy 9700 and AG 9700 - Relations with Special Interest Groups.

Observance of religious holidays through devotional exercises or acts of worship is also prohibited. Acknowledgement of, explanation of, and teaching about religious holidays of various religions is encouraged. Celebration activities involving nonreligious decorations and use of secular works are permitted, but it is the responsibility of all faculty members to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on minority groups or individuals, and do not interfere with the regular school program.

At the discretion of the Superintendent, a moment of silence may be provided for prayer, reflection, or meditation upon a moral, philosophical, or patriotic theme. However, under no circumstances shall students be compelled to participate.

The flag of the United States shall be raised above each school and/or at other appropriate places during all school sessions, weather permitting. The flag shall be raised before the opening of school and taken down at its close every day.

Furthermore, the Board requires that an observance be scheduled each year on or about Veterans Day to convey the meaning and significance of that day to all students and staff. The amount of time each school devotes to this observance shall be at least one (1) hour or, in schools that schedule class periods of less than one (1) hour, at least one (1) standard class period.

Professional staff members are authorized to lead students in the Pledge of Allegiance at an appropriate time each school day. However, no student shall be compelled/required to participate in the recitation of the Pledge. Additionally, the Board prohibits the intimidation of any student by other students or staff for the purpose of coercing participation. The Superintendent shall ensure that any staff member who conducts this activity does it at an appropriate time, in an appropriate manner, and with due regard to the need to protect the rights and the privacy of a nonparticipating student.

R.C. 3313.601, 3313.602, 3313.76, 3313.77  
20 U.S.C. 4071 et seq.  
Gregoire vs. Centennial School District 907 F.2d 1366, (3rd Circuit, 1990)  
Lee vs. Weisman, 505 U.S. 577 (1992)

Revised 8/7/00  
Revised 1/6/03  
Revised 10/6/03

Mt. Vernon City  
Administrative Guidelines

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**8800A - RELIGIOUS ACTIVITIES/CEREMONIES**

A great deal of professional judgment is needed to ensure that District policy complies with constitutional and legal safeguards for the practice of religion. A major guideline to follow is a four-part test. Each activity which may appear to be of a religious nature or use materials, rituals, or symbols which may be otherwise associated with a religion must meet all four (4) of the following conditions:

- A. Does it serve the educational purpose and goals of the District?
- B. Is the purpose of the activity secular?
- C. Will its effect neither advance nor inhibit a religion?
- D. Will it avoid excessive entanglements between the school and a religion?

This guideline applies to any and all activities and programs at all levels, particularly those that take place at traditional holiday seasons such as Christmas and Easter.

Prior to planning or conducting an activity, it would be well to review the District's two (2) policies dealing with religious matters -- Policy 2270 and Policy 8800. If a teacher has any question about the propriety of the activity, s/he should consult with the principal prior to making a decision.

## Mt. Vernon City Administrative Guidelines

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### 8800B - RELIGIOUS EXPRESSION IN THE DISTRICT

The following guidelines apply to religious practices in the District and are drawn directly from the "Statement of Principles" issued by the U.S. Department of Education.

#### Student Prayer and Religious Instruction

The Establishment Clause of the First Amendment does not prohibit purely private religious speech by students. Students have the right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activity. For example, students may read their Bibles or other scriptures, say grace before meals, and pray before tests to the same extent they may engage in comparable nondisruptive activities. Local school authorities possess substantial discretion to impose rules of order and other pedagogical restrictions on student activities, but they may not structure or administer such rules to discriminate against religious activity or speech.

Generally, students may pray in a nondisruptive manner when not engaged in school activities or instructions and subject to the rules that normally pertain in the applicable setting. Specifically, students in informal settings, such as cafeterias or hallways, may pray and discuss their religious views with each other, subject to the same rules of order as apply to other student activities and speech. 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, however, should intercede to stop student speech that constitutes harassment aimed at a student group or a group of students.

Students may also participate in before or after school events with religious content, such as "see you at the flagpole" gatherings, on the same terms as they may participate in other noncurriculum activities on school premises. School officials may neither discourage nor encourage participation in such an event.

The right to engage in voluntary prayer or religious discussion free from discrimination does not include the right to have a captive audience listen or to compel other students to participate. Teachers and school administrators should ensure that no student is in any way coerced to participate in religious activity.

**Graduation Prayer and Baccalaureates:** Under current Supreme Court decisions, school officials may not mandate or organize prayer at graduation nor organize religious baccalaureate ceremonies. If a school generally opens its facilities to private groups, it must make its facilities available on the same terms to organizers of privately sponsored religious baccalaureate services. A school may not extend preferential treatment to baccalaureate ceremonies and may in some instances be obliged to disclaim official endorsement of such ceremonies.

**Official Neutrality Regarding Religious Activity:** Teachers and school administrators, 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. Teachers and administrators also are prohibited from discouraging activity because of its religious content and from soliciting or encouraging anti-religious activity.

**Teaching about Religion:** Public schools may not provide religious instruction, but they may teach about religion, including the Bible or other scripture: 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 all are permissible public school subjects.

Similarly, it is permissible to consider religious influenced on art, music, literature, and social studies. 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.

**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.

**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 the same reasonable time, place, and manner or other constitutional restrictions on distribution of religious literature as they do on nonschool literature generally, but they may single out religious literature for special regulation.

**Religious Excusals:** Subject to applicable State laws, schools enjoy substantial discretion to excuse individual students from lessons that are objectionable to the student or the student's parents on religious or other conscientious grounds. School officials may neither encourage nor discourage students from availing themselves of an excusal option. Under the Religious Freedom Restoration Act, if it is proved that particular lessons substantially burden a student's free exercise of religion and if the school cannot prove a compelling interest in requiring attendance, the school would be legally required to excuse the student.

**Released Time:** Subject to applicable State laws, schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation or penalize those who do not attend. Schools may not allow religious instruction by outsiders on school premises during the school day.

**Teaching Values:** Although 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.

**Student Garb:** Students may display religious messages on items of clothing to the same extent they are permitted to display other comparable messages. Religious messages may not be singled out for suppression, but rather are subject to the same rules as generally apply to comparable messages. When wearing particular attire, such as yarmulkes and head scarves, during the school day as part of students' religious practice, under the Religious Freedom Restoration Act, schools generally may not prohibit the wearing of such items.

COSTS FOR JOHN FRESHWATER MATTER

Current as of 8/28/2009

**Security (Knox County Sheriff Dept)**

PO	136754	\$ 3,666.00
PO	136134	\$ 2,376.00

**O'Donnell S McGhee (Recorder)**

PO	136324	\$ 17,156.25
PO	138284	\$ 3,228.00

**Squire, Sanders**

PO	132904	\$ 17,342.77
PO	134733	\$100,147.50
PO	136163	\$130,613.26
PO	137436	\$ 77,614.84

325,718.37

**TOTAL \$352,144.62**