

Policy 6141.2: Recognition Of Religious Beliefs And Customs

Status: ADOPTED

Original Adopted Date: 12/01/1988 | **Last Revised Date:** 03/01/2004/2024 | **Last Reviewed Date:** 03/01/2004/2024

CSBA NOTE: In ~~February 2003~~ May 2023, the U.S. Department of Education issued guidance on constitutionally protected prayer and religious expression in public schools. Pursuant, which includes the extent to which prayer in public schools is legally protected, constitutional principles that relate to religious expression in general, and requirements under federal and state laws relevant to prayer and religious expression. The guidance reaffirms that, pursuant to 20 USC 7904, districts must annually certify to the California Department of Education (CDE) that they do not have a policy that prevents, or otherwise denies participation in, constitutionally protected school prayer. While the guidance may provide some provides general direction to school districts regarding issues surrounding religion in public schools, certain provisions it may not give a complete picture of the state of the law for school districts in California. Because decisions of the reflect 9th Circuit Court of Appeal Appeals (of which California is a part) and state court decisions reflecting which are based on the California Constitution may not be reflected in the.

Additionally, Appendix F of CDE's History and Social Science Framework, adopted in July 2016, offers guidance, districts with questions and support for educators regarding the recognition of religious issues in schools should consult legal counsel.

beliefs and customs with concepts from the Appendix reflected below.

Use of school facilities by student religious clubs and other religious groups is governed by the Equal Access Act (20 USC 4071-4074) and Civic Center Act (Education Code 38130-38138), respectively; see BP/AR 1330 - Use of School Facilities and BP/AR 6145.5 - Student Organizations and Equal Access and BP/AR 1330 - Use of School Facilities. For policy regarding distribution of flyers, including flyers containing religious materials, see BP/AR 1325 - Advertising and Promotion. For policy regarding absences for religious instruction or exercises pursuant to Education Code 46014, see BP/AR 5113 - Absences and Excuses. For policy regarding invocation at graduation ceremonies, see BP 5127 - Graduation Ceremonies and Activities. For policy regarding religious attire in relation to school dress codes, see BP 5132 - Dress and Grooming.

The following optional policy should be carefully reviewed and modified to reflect district practice. Because constitutionally protected prayer and religious expression in schools can involve complex legal issues, districts are advised to consult CSBA's District and County Office of Education Legal Services or district legal counsel, accordingly.

The Governing Board recognizes that students' education would be incomplete without an understanding of the role of religion in society. As appropriate for a particular course, teachers may objectively discuss the influences of various religions, using religious works and symbols to illustrate their relationship with culture, literature, or the arts. The Board expects that such instruction will identify principles common to all religions and foster respect for the diversity of religions and customs in the world: and be consistent with the adopted instructional materials and state

standards, as applicable.

In order to respect each student's individual right to freedom of religious practice, religious indoctrination is clearly forbidden in the public schools. ~~Instruction~~The Superintendent or designee shall ensure that instruction about religion ~~shall~~does not promote or denigrate the beliefs or customs of any particular religion or sect, nor ~~should~~that a preference be shown for one religious viewpoint over another. Staff members shall be highly sensitive to their obligation not to interfere with the religious development of any student in whatever tradition the student embraces, and treat all religions and religious conviction, including nonbelief, with fairness and respect.

Staff shall not endorse, encourage, or solicit religious or anti-religious expression or activities among students during class time. ~~As part of their official duties,~~ staff

CSBA NOTE: In *Kennedy v. Bremerton School District*, the U.S. Supreme Court found that the employee, a football coach, did not coerce students to pray when the employee knelt at midfield after games to offer a quiet personal prayer and rejected the district's argument that any visible religious conduct by a teacher or coach amounted to impermissible coercion on students. The court concluded that the coach was acting in a private capacity and not in the capacity of an employee of the district when the prayer was offered during a time when school employees were free to attend to personal matters.

~~Staff shall not lead~~coerce students in prayer or other religious activities. ~~as part of their official duties.~~ However, Staff are not prohibited, when acting in their private capacity, from encouraging students' participation in personal prayer or other religious activity. Additionally, staff shall not prohibit or discourage any student from praying or otherwise expressing ~~his/her~~the student's religious belief ~~as~~so long as this does not disrupt the classroom. ~~or other school sponsored activity.~~

Students may express their beliefs about religion in their homework, artwork, and other class work if the expression is germane to the assignment. Such work shall be judged by ordinary academic standards, relevance, and other legitimate pedagogical objectives.

While teaching about religious holidays is a permissible part of the educational program, celebrating religious holidays is not allowed in the ~~public schools.~~ district. School-sponsored programs shall not be, nor have the effect of being, religiously oriented or a religious celebration. School and classroom decorations may express seasonal themes that are not religious in nature.

~~Music, art, literature or drama programs having religious themes 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.~~ The use of religious symbols that are part of a religious holiday is permitted as a teaching aid or resource provided that such symbols are displayed as an example of cultural and religious heritage of the holiday and ~~are~~ temporary in nature.

Classroom methods in instruction about religion shall not include religious role-playing activities or simulated religious devotional acts.

Music, art, literature or drama programs having religious themes 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 cultural and religious heritage.

[CSBA NOTE: In *Fellowship of Christian Athletes v. San Jose Unified School District*, the Ninth Circuit U.S. Court of Appeals held that it would be discrimination for a district to fail to recognize a student club with religiously based leadership requirements. The court found that multiple student clubs imposed certain requirements for membership or leadership positions—i.e., discriminated against certain students—but that the district only objected to the Fellowship of Christian Athletes' requirements because of the religious basis of the requirements.](#)

[District schools shall not prohibit religious activities if the same or similar non-religious activities are permitted.](#)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 38130-38139

Description

Civic Center Act

Ed. Code 46014

Absences for religious purposes

Ed. Code 51511

Religious matters properly included in courses of study

Ed. Code 51938

Right of parent/guardian to excuse from sexual health instruction

Federal

20 USC 4071-4074

Description

Equal Access Act

20 USC 6061

School prayer

20 USC 7904

School prayer

Management Resources

Court Decision

Description

Cole v. Oroville Union High School District, (2000, 9th Cir.) 228 F.3d 1092

[Court Decision](#)

[Fellowship of Christian Athletes v. San Jose Unified School District Board of Education \(2023\) 82 F.4th 664](#)

[Court Decision](#)

[Florey v. Sioux Falls \(1980\) 619 F.2d 1311](#)

[Court Decision](#)

[Kennedy v. Bremerton \(2022\) 142 S.Ct. 2407](#)

Court Decision

Lassonde v. Pleasanton Unified School District, (2003, 9th Cir.) 320 F.3d 979

Court Decision

Lemon v. Kurtzman, (1971) 403 U.S. 602

[California Department of Education](#)

[Appendix F history social science framework for California public schools](#)

www.cde.ca.gov/ci/hs/cf/documents/hssappendixf.pdf

U.S. Department of Education Publication Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, ~~February 2003~~ May 2023
https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html

Website CSBA District and County Office of Education Legal Services

Website California Department of Education

Website CSBA

Website U.S. Department of Education

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1325	Advertising And Promotion
1330	Use Of School Facilities
1330	Use Of School Facilities
5113	Absences And Excuses
5113	Absences And Excuses
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5127	Graduation Ceremonies And Activities
<u>5132</u>	<u>Dress and Grooming</u>
5141.31	Immunizations
5141.31	Immunizations
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
6111	School Calendar
6115	Ceremonies And Observances
6115	Ceremonies And Observances
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education

6142.93	Science Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6145.5	Student Organizations And Equal Access
6145.5	Student Organizations And Equal Access
6145.8	Assemblies And Special Events
6154	Homework/Makeup Work
6161.11	Supplementary Instructional Materials
6176	Weekend/Saturday Classes