

# I-11: Administrative Procedures

## Religion in the Curriculum



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### REFERENCES

[Board Policy I-11](#)

[A Teacher's Guide to Religion in the Public Schools](#)

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### DEFINITIONS

**Discretionary time:** For students, discretionary time means noninstructional time during which a student is free to pursue personal interests. It includes free time before and after school, during lunch and between classes or on buses, and private time before athletic and other events or activities.

**Instructional time:** Time during which a school is responsible for a student, and the student is required or expected to be actively engaged in a learning activity. It includes instructional activities in the classroom, library media center, or study hall during regularly scheduled hours, required activities outside the classroom, and counseling, private conferences, or tutoring provided by school employees or volunteers acting in their official capacities during or outside of regular school hours.

**Parent:** For purposes of these administrative procedures and the corresponding board policy, "parent" means:

- A. a biological or adoptive parent;
- B. a legal guardian or other individual legally authorized to make educational decisions for the child;
- C. an individual, with whom the child lives, who is acting as a parent in the absence of a natural parent or a guardian;
- D. a foster parent if the authority of the biological or adoptive parents to make educational decisions on the child's behalf has been terminated or specifically limited by a court order;
- E. in the absence of any individual qualified under parts A-D, a surrogate parent appointed pursuant to the Individuals with Disabilities Education Act; and/or
- F. a stepparent if the stepparent is present on a day-to-day basis with the natural parent and child, and the other parent is absent from the home. A stepparent who is not present on a day-to-day basis in the home of the child does not have rights under Family Educational Rights and Privacy Act ("FERPA") with respect to the child's education records. Stepparents without guardianship of a child do not have the authority to enroll or register a child in school.

"Parent" does not include the state or any political subdivision of government.

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### PROCEDURES FOR IMPLEMENTATION

#### I. Annual Review

- A. Principals will annually review with teachers, School Community Council ("SCC") members, and staff, these administrative procedures, and related laws and regulations pertaining to religion in the curriculum. The board expects district personnel to recognize, protect, and accommodate religious freedom and individual rights of conscience in the operation of public schools, while fostering mutual understanding and respect for all individuals and beliefs.
- B. The district encourages teachers and employees at the local level to discuss, equitably and with civility, and, if possible, resolve any concerns raised by parents and students.
  - 1. Through the registration process, students and parents will be notified annually of their rights under Board Policy I-11, and state and federal law. As part of registration they will be provided with a copy of Board Policy I-11, these administrative procedures, and information that these documents and related laws and regulations will also be available in the school office.

#### II. Religious Neutrality

- A. District employees may not use their positions to endorse, promote, or disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint.
- B. District schools may not sponsor prayer or religious devotionals.
- C. Any instructional activity, performance, or display which includes examination of or presentations about religion, religious thought or expression, or the influence thereof in music, art, literature, law, politics, history, or any other element of the curriculum may be undertaken in a school so long as it is designed to achieve permissible secular educational objectives and is presented within the context of the approved curriculum.
- D. The objective study of comparative religions is permissible, but no religious tenet, belief, or denomination may be given inappropriate emphasis.

- E. No aspect of cultural heritage, political or moral theory, or societal value may be either included or excluded from consideration in the public schools for the primary reason that it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being.
- F. An analysis of religion, deity, an absolute moral principle, or any other concept that may contain a theistic, agnostic, or non-theistic assumption, may be presented when included as an appropriate component or aspect of a broader study, display, presentation, or discussion regarding cultural heritage, political theory, moral theory or a societal value.
- F. Student Expressions of Belief
  - 1. A student participating in a classroom discussion, presentation, or assignment, or school-sponsored activity, shall not be prohibited from expressing personal beliefs of any kind nor be penalized for so doing, unless the conduct:
    - a. unreasonably interferes with order or discipline;
    - b. unreasonably endangers persons or property; or
    - c. violates concepts of civility or propriety appropriate to a school setting.
  - 2. Students may initiate and conduct voluntary religious activities or otherwise exercise their religious freedom on school grounds during discretionary time.
    - a. Individuals not currently enrolled as students in the school may neither conduct nor regularly attend these activities.
    - b. School officials may neither conduct nor actively participate in these activities but may be present to ensure compliance with school rules.
    - c. School officials may limit or prohibit student activities under this section which:
      - i. unreasonably interferes with the ability of school officials to maintain order and discipline;
      - ii. unreasonably endangers persons or property; or
      - iii. violate concepts of civility or propriety appropriate to a school setting.
- G. Performances, Religious Services, and Church-Owned Facilities
  - 1. District employees may neither encourage, authorize, or require public prayer or devotional activities in connection with any class, program, presentation, or other student activity that is under the control, direction, or sponsorship of a school or the district. District employees may neither encourage students to nor discourage students from participating in private prayer during any such school-sponsored activity.
  - 2. No school employee or student may be required to attend or participate in any religious service, whether in an individual capacity or as a member of a performing group, regardless of where or when the service is held. No penalty may be assessed for failure to attend or perform in such an activity.
  - 3. Unless a waiver is sought and granted in accordance with Section III below, students who are members of performing groups such as school choirs may be required to rehearse or otherwise perform in a church-owned or operated facility if the following conditions are met:
    - a. the performance is not part of a religious service;
    - b. the activity of which the performance is a part is neither intended to further a religious objective nor under the direction of a church official; and
    - c. the activity is open to the general public.
  - 4. Students may voluntarily attend and perform during a religious service as individuals or as members of a group, provided all arrangements are made by students or non-school personnel.
  - 5. Religious activities may be conducted on the same basis as any other non-school activity outside of regular school hours.
  - 6. Unless a waiver is sought and granted in accordance with Section III below, students may be required to visit church-owned facilities when religious services are not being conducted if the visit is intended solely for the purpose of pursuing permissible educational objectives, such as those relating to art, music, architecture, or history.
- H. Expressions of Personal Belief by Employees
  - 1. An employee's rights relating to voluntary religious practices and freedom of speech do not include proselytizing of any student regarding atheistic, agnostic, sectarian, religious, or denominational doctrine while the employee is acting in the employee's official capacity, nor may an employee attempt to use his position to influence a student regarding the student's religious beliefs or lack thereof.
  - 2. Even though acting in an official capacity, an employee may respond in an appropriate and restrained manner to a spontaneous question from a student regarding the employee's personal belief or perspective.

### III. Requests for Waiver of Participation

- A. A student or parent may request that the principal allow the student to be excused or refrain from participating in an aspect of school that violates their rights of conscience or religious freedom.
- B. A school may not, in any aspect of school:

1. require or incentivize a student to affirm or deny the student's or the student's parent's religious belief or right of conscience;
2. engage a student in a practice that violates or is contrary to the student's or the student's parent's religious belief or right of conscience;
3. penalize or discriminate against a student for refraining from participation due to the student's or student's parent's religious belief or right of conscience.
- C. When a student refrains from participation in any aspect of school that violates the student's or the student's parent's religious belief or right of conscience, the school:
  1. shall promptly notify the student's parent;
  2. may offer an alternative that does not violate the student's or the student's parent's religious belief or right of conscience;
  3. may not require the student or the student's parent to explain, defend, or justify the student's or the student's parent's religious belief or right of conscience;
- D. In general, and in accordance with federal and state law, such requests will be granted routinely and without penalty.
- E. Any student or parent who desires a waiver of participation must make a written request to the school principal.
  1. The principal shall promptly notify a student's parent if the student makes a request for a waiver of participation.
- F. Once a waiver of participation has been requested, the student will not be compelled to participate in the aspect of school for which the waiver is sought pending resolution of the request.
- G. The principal, student, the student's parent, and the teacher or employee responsible for the program in question will meet to discuss the request. The principal will encourage the student and student's parent to suggest a reasonable alternative. In order for a claimed infringement to justify a waiver of participation, it must be based on a sincerely held belief rather than mere personal preference.
- H. A student's parent may waive the student's participation in any aspect of school that violates the student's or the student's parent's religious belief or right of conscience.
- I. The principal will swiftly, and in a manner consistent with state law, decide whether to waive participation, alter the curriculum or activity, substitute another activity, or require the student's participation. In making a decision, the principal will give proper consideration to any suggestions made by the student and the student's parent.
  1. The principal may not deny a request for a waiver unless the principal determines in consultation with the district's executive directors of teaching and learning, and policy and legal services that requiring the student's participation is the least restrictive means necessary to achieve a specifically identified educational objective in furtherance of a compelling governmental interest.
  2. In offering an alternative, the principal may not require an affected student to accept a substandard or educationally deficient alternative that is unreasonably burdensome.
- J. The principal will keep a written record of every request for a waiver of participation or substitution of activity based on religious freedom or right of conscience, and any decisions made regarding each request.
- K. The principal will annually review with the SCC any requests for waivers that were made within the last year. In discussing these matters, care must be taken to protect the privacy rights of those who made the requests.

#### **IV. Complaints Alleging Violation of Law**

- A. A student or parent may file a written complaint with the school principal when they believe a particular curriculum, school activity, or the conduct of a school employee violates state or federal law by promoting or disparaging a particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint.
- B. If a complaint is made by a student, the principal will give written notice of the complaint to the student's parents through a letter sent to their last known address.
- C. The principal, student, student's parent, and the teacher or employee responsible for the program in question will meet to discuss the complaint.
- D. The principal will arrive at a decision, consistent with state and federal law, whether to alter the curriculum or activity, substitute another activity, or uphold the lawfulness of the curriculum or activity. The principal will give a written decision as soon as practical under the circumstances.
- E. The principal will keep a written record of every complaint and any decisions made regarding each complaint.
- F. The principal will review annually with the SCC any complaints about religion in the curriculum that were made within the last year. In discussing these matters, care must be taken to protect the privacy rights of those who made the complaints.
- G. The principal will submit a written record of each complaint to the executive director of teaching and learning.

- H. In situations in which any portion of any curriculum or activity is repeatedly alleged to interfere with the rights of conscience or exercise of religious freedom of students or parents, the executive director of teaching and learning will personally, or by a committee of the executive director's choosing, evaluate the curriculum or activity in question.
  - 1. If the executive director of teaching and learning is concerned that any curriculum or activity may violate state or federal law, the executive director may determine whether the educational objectives could be achieved by less restrictive means and may request that the principal alter or substitute another curriculum or activity.

**V. Appeals Process**

- A. A student or parent who is dissatisfied with a principal's decision regarding either a request for waiver or a complaint, may appeal that decision within ten days to the executive director of teaching and learning.
- B. The executive director of teaching and learning will review the appeal documentation, the decision of the principal, and may modify the principal's decision.
- C. At the sole discretion of the executive director of teaching and learning, a committee of the executive director's choosing may be formed to review the appeal and the decision of the principal. If the executive director of teaching and learning decides to form a committee to consider the appeal, the student and student's parent will be notified.
  - 1. In choosing committee members, preference should be given to educators from the student's school.
    - a. The committee will be comprised of no less than three and no more than seven people, of which the majority will be educators,
  - 2. Upon written request from the student and parent, committee members may include parents or patrons from the student's school who will be chosen by the SCC.
    - a. Before permitting participation by other parents or patrons, the executive director of teaching and learning must explain to the student and parent that they are waiving their privacy rights under state and federal law.
      - i. The executive director of teaching and learning must document this discussion.
- D. The executive director of teaching and learning must keep a written record of every appeal and any decisions made regarding each appeal.
- E. If any student or parent is dissatisfied with the decision of the executive director of teaching and learning, the student or parent may, within ten days of notice of that decision, request that the decision be reviewed by the superintendent.
- F. The decision of the superintendent will constitute final action by the district.

**VI. Supervision and Training**

- A. In accordance with state law, the district will train its employees on how to implement these procedures.
- B. Other suggested resources: <http://www.freedomforum.org/>