

# Davis School District Policy and Procedures

**Subject: 11IR-107 Recognizing Constitutional Freedoms in Public Schools**

**Index: Individual Rights and Responsibilities**

**Revised: May 15, 2018**

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## 1. PURPOSE AND PHILOSOPHY

The Board of Education of the Davis School District (Board) promotes mutual understanding and respect for the interests and rights of all individuals regarding their beliefs, values, and customs. Specifically, it is the Board's purpose to have a policy that:

- 1.1. Fosters knowledge and understanding about, and sensitivity toward, religious differences and the role of religion in a diverse, contemporary society;
- 1.2. Allows student and employee religious expression and freedom of speech within the parameters of existing state and federal law;
- 1.3. Supports a climate of academic freedom in which religious ideas and organizations can be discussed in an objective way, for their educational value, with emphasis on the impact of religions on history, literature, art, music, morality, and other key social institutions;
- 1.4. Requires official neutrality on the part of teachers, administrators, other school employees, and volunteers regarding religious activity when acting in their official capacities;
- 1.5. Promotes constructive dialogue between schools and community regarding religion; and
- 1.6. Encourages educators and all members of the school community to engage in persistent efforts to eliminate prejudice, build trust, work toward consensus, and resolve disputes over religious issues in schools promptly, equitably, sensitively, and with civility at the local level.

## 2. POLICY

- 2.1. It is Davis School District's (District) policy to comply with existing state and federal law regarding religion and religious expression in public schools. Specifically, it is District policy to: 1) allow students and employees to engage in expression of personal religious views or beliefs within the parameters of current law, and 2) maintain the schools' official neutrality regarding sectarian religious issues; according to the constitutional principle of separation between church and state, the District will neither advance nor inhibit religion.
- 2.2. It is also District policy to take all reasonable steps to resolve disputes over religious issues in schools promptly, equitably, and with civility at the local level.

## 3. STUDENT EXPRESSION OF PERSONAL RELIGIOUS BELIEFS OR VIEWS

- 3.1. **Non-discrimination:** Schools may not forbid students acting on their own from expressing their personal religious views or beliefs solely because they are of a religious nature. Schools may not discriminate against private religious expression by students, but must instead give students the same right to engage in religious activity and discussion as they have to engage in other comparable activity.
- 3.2. **Freedom to act:** While the freedom to believe is absolute, the freedom to act on a belief is not. In order to claim a violation of the Free Exercise protections of the First Amendment and the this policy, a person must show that his or her actions 1) are motivated by a sincere religious belief, and 2) have been substantially burdened by school officials or the District.
- 3.3. **Least restrictive means:** If an individual can show that his or her actions are motivated by a sincere religious belief and have been substantially burdened by school officials or the District, school officials can still regulate the conduct if they have a compelling interest

and pursue such interest in the manner least restrictive of the individual's beliefs.

- 3.4. **Student religious expression during discretionary time:** Free exercise of religious practices or freedom of speech by students during discretionary time shall not be denied unless the conduct or speech unreasonably interferes with the ability of school officials to maintain order and discipline, violates school rules, impinges on the rights of others, unreasonably endangers persons or property, creates a coercive atmosphere, or violates concepts of civility or propriety appropriate to the school setting.
- 3.4.1. Student conduct or speech of a personal religious nature that may not be prohibited unless it violates the standards above, includes, but is not limited to:
- [a] Reading the Bible or other scriptures;
  - [b] Saying grace;
  - [c] Praying with friends in cafeterias, hallways, around flagpoles, or at athletic contests and other extra-curricular activities;
  - [d] Discussing religious views with other students, or attempting to persuade peers about religious topics, as long as the persuasive speech does not constitute harassment.
- 3.5. **Organized prayer groups and religious clubs:** Students may organize prayer groups, religious clubs, and "see you at the pole" gatherings before and after school to the same extent that students are permitted to organize other noncurricular student activity groups and clubs. Such groups and clubs must be given the same access to school facilities for assembling as is given to other noncurricular groups, without discrimination because of the religious content of their expressions. See District policy 5S-202 Authorization of Student Clubs and Organizations.
- 3.6. **Student religious expression during instructional time:** Students participating in school sponsored learning activities, provided and directed by school employees acting in their official capacities, shall not be prohibited from expressing personal religious beliefs or be penalized for so doing, unless the expression unreasonably interferes with the ability of school officials to maintain order and discipline, violates school rules, impinges on the rights of others, unreasonably endangers persons or property, creates a coercive atmosphere, or violates concepts of civility or propriety appropriate to the school setting.
- 3.6.1. Student religious conduct or expression that may not be prohibited in homework, classroom discussions, presentations, assignments, or school sponsored activities, unless it violates the standards above, includes but is not limited to:
- [a] Submitting homework, artwork, or other assignments with religious content;
  - [b] Giving class presentations with religious content that are relevant to the curriculum and matter being discussed;
  - [c] Making religious remarks or asking questions about religion in the ordinary course of classroom discussion;
  - [d] Asking questions of students or school employees regarding their religious beliefs or views.
- 3.6.2. Teachers and other school officials should evaluate homework and classroom work with religious content consistent with ordinary academic standards of substance and relevance, as well as other legitimate pedagogical concerns.
- 3.6.3. When responding to a student's question about an employee's personal religious beliefs or views, the employee must maintain official neutrality and be careful not to advocate or encourage acceptance of his/her religious belief or perspective (see section 8.2 of this policy).
- 3.6.4. While students have the right to give educationally relevant classroom

presentations on religious topics or engage in other religious expression during instructional time, they do not have the right to make a captive audience listen to a lengthy sermon, or compel other students to participate in religious exercises. Students should not conduct religious ceremonies or exercises during instructional time. No student should be coerced to participate in such religious activity.

#### 4. RELIGIOUS CLOTHING AND APPAREL

- 4.1. Because dress is a form of individual expression, any prohibition or regulation of religious clothing or apparel must be done in the least restrictive manner possible to accomplish District and school objectives of maintaining a safe and orderly school environment. School officials should make appropriate exemptions to dress codes and reasonably accommodate students who wear hairstyles, clothing, head wear, jewelry, cosmetics, or other apparel as a personal expression of sincerely held religious beliefs.
- 4.2. Religious attire that should be appropriately accommodated in school includes, but is not limited to:
  - 4.2.1. Hairstyles;
  - 4.2.2. Yarmulkes;
  - 4.2.3. Head scarves or turbans;
  - 4.2.4. Crucifixes, Stars of David, CTR rings, and other jewelry;
  - 4.2.5. T-shirts or badges with religious messages or insignia;
  - 4.2.6. Items of ceremonial dress.
- 4.3. School officials should also be sensitive and appropriately accommodate students who request not to wear certain gym clothes that they regard, on religious grounds, as immodest.

#### 5. MOMENT OF SILENCE IN CLASSROOMS

- 5.1. In accordance with Utah law, teachers may provide for the observance of a period of silence in the classroom each school day. However, teachers and other school officials must maintain official neutrality by neither encouraging nor discouraging prayer nor other religious exercise during the moment of silence.
- 5.2. Under District policy teachers and other school officials may not organize, endorse, or encourage prayer exercises in the classroom. Teachers and other school officials must supervise during this time.

#### 6. GRADUATION EXERCISES AND OTHER EXTRA-CURRICULAR ACTIVITIES

- 6.1. **Prayers prohibited at graduation:** It is District policy to prohibit prayers as an officially scheduled and sanctioned part of graduation exercises.
- 6.2. **Moment of silence:** While the District does not endorse or discourage the practice, students may elect to hold a moment of silence as part of graduation ceremonies. A moment of silence may only be initiated and conducted by students, and shall not be used as a forum for vocal prayer or other religious exercise, but rather as an opportunity for those in attendance at graduation to participate in a quiet moment according to the dictates of their own conscience. During a moment of silence and all other religious activities associated with graduation, school officials shall maintain official neutrality.
- 6.3. **Baccalaureate services:** Students who wish to include religious activities, such as

prayer, in recognition or celebration of their graduation may organize or attend privately sponsored baccalaureate services. Whether such services are organized or sponsored by students, parents, religious organizations, or community groups, the sponsors may rent District facilities according to the provisions of the District's Facility Rental Policy (Policy 6F-102). Under the Facility Rental Policy, noncommercial rates shall apply to religious organizations, parent associations, or other nonprofit community groups desiring to rent District facilities for baccalaureate services. School officials may announce the time and place of baccalaureate services but must not encourage or discourage student participation in such services. Announcing of all baccalaureate services must be done on the same terms, and school officials must clearly state as part of all announcements that baccalaureate services are privately sponsored, and that participation is purely voluntary.

- 6.4. **Prayers by non-students prohibited at athletic contests and other extra-curricular events:** Consistent with the general policy on school-sanctioned prayers, it is District policy to prohibit prayers initiated or led by coaches, parents, clergy, or other non-students prior to, during, or after athletic contests and other extra-curricular events. Students may pray together at such events consistent with the guidance outlined in Section 5.1 of this policy. Coaches, administrators, and other school officials may be present during student prayers to supervise but should in no way participate in or encourage prayer exercises. School officials should take steps to prevent any activity from being coercive or harassing.

## 7. DISTRIBUTION OF RELIGIOUS MATERIALS ON SCHOOL GROUNDS

- 7.1. Non-school sponsored organizations and non-students may only distribute literature or other materials in schools or on school grounds in accordance with reasonable time, place, and manner restrictions imposed by the schools.
- 7.2. Students may distribute literature unrelated to school curriculum or activities only at reasonable times, places, and manners designated by the school.
- 7.3. Religious tracts, books, or literature may not be singled out for special regulation or prohibition based on content, but is subject to reasonable time, place and manner restrictions imposed by the schools on other non-school related literature.

## 8. EMPLOYEE EXPRESSION OF PERSONAL RELIGIOUS BELIEFS

- 8.1. **Official neutrality:** All employees of the District must maintain strict neutrality when acting in their official capacities. 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 or her position to influence a student regarding the student's religious beliefs or lack thereof.
- 8.2. **Response to questions:** If a student asks an employee about that employee's personal religious beliefs, the employee may choose not to respond out of professional respect for the student's freedom of conscience or personal beliefs. However, while 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 religious beliefs or perspectives. Because of the special position of trust held by school employees, employees may not advocate or encourage acceptance of specific religious beliefs or perspectives; but may, by exercising due caution, explain or define personal religious beliefs or perspectives.

- 8.3. **Reasonable accommodation:** It is District policy to reasonably accommodate an employee's or prospective employee's religious dress, observance or practice whenever such accommodation can be made without undue hardship on the conduct of the District's business.

## 9. VOLUNTEERS

- 9.1. The District prohibits discrimination on the basis of religion against any group or individual desiring to volunteer in Davis Schools.
- 9.2. Volunteers must maintain strict neutrality regarding religion while performing volunteer work for the schools.
- 9.3. Volunteers are prohibited from engaging in proselyting activities or recruiting activities of any type on school grounds or in conjunction with any school activity, and must strictly follow the directions given them by school officials.
- 9.4. Religious apparel is permissible if it is required by a person's religion, is part of the person's ordinary work dress and would not be disruptive of the school environment and does not contain a proselytizing message.
- 9.5. Volunteers, including those from religious organizations, serving in the schools, and interacting directly with students on a regular basis, shall wear a District approved volunteer name tag containing the individual's first and last name, and shall sign a form acknowledging that they understand and will abide by the provisions of this policy.
- 9.6. School officials are responsible to monitor the behavior and interactions of volunteers while they are serving in schools or participating in school activities. Volunteers who fail to comply with the provisions of this policy shall be asked to leave the school or activity. Ultimate responsibility for enforcement of this policy at the school level rests with the building administrator.

## 10. RELIGION IN THE CURRICULUM

- 10.1. **Teaching about religion:** Religious instruction is the responsibility of parents and religious institutions, but teaching **about** religion and beliefs of conscience is a legitimate and appropriate part of a complete academic education on the elementary and secondary levels.
- 10.2. **Instructional practices:** To ensure that the educational approach to religion is one of academic instruction, not of indoctrination, and that it does not unduly favor religion over non-religion, teachers and school officials shall adhere to the following guidelines:
- 10.2.1. Study or presentations about religion or other beliefs of conscience must achieve academic educational objectives, and be presented in a balanced manner within the contest of the approved curriculum.
- 10.2.2. The school's approach to religion must be academic, not devotional.
- 10.2.3. Students may be exposed to any and all religious views and beliefs of conscience, but they should not be coerced to accept any particular view or belief.
- 10.2.4. The objective study of comparative religions is permissible, but no religious tenet, belief, or denomination may be given inappropriate emphasis; the school may educate about all religions, but may not promote or denigrate any religion or

belief of conscience.

10.2.5. Students should be taught to understand a variety of beliefs, and to respect the rights of all people, including the rights of individuals or groups with whom the students may disagree. Teaching about religion and beliefs of conscience should emphasize the role of religion and beliefs of conscience in history and culture, and the importance of religious liberty as a cornerstone of a democratic society.

10.3. **Privacy:** In accordance with federal and state Family Educational Rights and Privacy laws, school officials shall not solicit private information or explanations from students about their personal religious affiliations, beliefs, or practices, without first obtaining proper parental consent.

## 11. RELIGIOUS MUSIC

11.1. **Religious music in schools:** Seasonally appropriate and sacred religious music may be performed in schools, if presented in a balanced, prudent, and objective manner.

11.1.1. Music should be selected on the basis of its musical quality and educational value rather than its religious content.

11.1.2. Music performances must achieve secular educational objectives, and be presented in a balanced manner within the context of the approved curriculum.

11.1.3. Teachers should use good judgment and be especially sensitive to the feelings of students who might wish not to participate for religious reasons, and should explore all reasonable alternatives in resolving a student's objection before offering or granting a waiver of participation.

11.2. **Performances at religious services:** 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.

11.2.1. 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 adults.

11.3. **Performances in church-owned facilities:** Unless granted an appropriate waiver, 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:

11.3.1. The performance is not part of a religious service;

11.3.2. 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

11.3.3. The activity is open to the general public.

11.4. **Visits to church-owned facilities:** Unless granted an appropriate waiver, 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 objective such as those relating to art, music, architecture or history.

## 12. RELIGIOUS HOLIDAYS

- 12.1. **No celebration:** Religious and civic holiday such as Easter, Passover, Rosh Hashanah, Yom Kippur, Thanksgiving, Hanukkah, Christmas, Kwanzaa, and Ramadan, offer opportunities to teach about a variety of religious traditions and beliefs of conscience during the school year. While teachers and school officials may teach **about** religious holidays, they may not celebrate such holidays in school.
- 12.2. **Christmas:** Because Christmas is a holiday that may cause particularly strong concerns among some students and members of the community, teachers and school officials should be especially mindful of and sensitive to the beliefs of all students during this season. At Christmas the schools should emphasize the positive values of that season values such as peace, goodwill, kindness, unselfishness, giving, and brotherhood are appropriate for recognition at the time, as at any time in the year. During the Christmas season, teachers are encouraged to include discussions or presentations about other religious or cultural winter holidays coinciding with Christmas, such as Hanukkah and Kwanzaa.
- 12.3. **Other holidays:** Activities and discussions related to cultural holidays such as Valentine's Day, St. Patrick's Day, and Halloween should be academic in nature. Because these holidays may be viewed by some parents as having religious connotations, requests for excusal in school activities associated with these holidays should be routinely granted.
- 12.4. **Parties:** Class parties associated with seasonal holidays are appropriate insofar as they are consistent with the approved curriculum. However, consistent with the District's goal of maximizing instructional time, such parties must not unduly interfere with regular academic activities.
- 12.5. **Teaching about holidays:** The significance of holidays, whether religious or secular, may be explained or discussed in an objective manner as part of regular classroom instruction or as questions from students arise, so as to promote a better understanding among all students.

### 13. RELIGIOUS SYMBOLS

- 13.1. **During holidays:** The display of religious symbols that are part of religious holidays is permitted as a teaching aid or resource, provided such symbols are displayed as an example of the cultural heritage of the holiday, and are temporary in nature. Such holidays include, but are not limited to: Christmas, Kwanzaa, Hanukkah, Ramadan, Easter, Passover, Valentine's Day, St. Patrick's Day, Thanksgiving, and Halloween.
- 13.2. **Diversity of symbols:** If any religious symbol is to be part of a display, schools must allow for other religious, cultural or ethnic symbols.

### 14. WAIVERS OF PARTICIPATION

- 14.1. **Rights of individuals:** While the District acknowledges its obligation to be sensitive and fair toward the personal rights and beliefs of all individuals, merely exposing students to ideas that may offend the religion does not amount to a substantial burden on their religious exercise. Furthermore, it is unconstitutional to allow one person's or one group's religion to determine the curriculum for all others. Consequently, it is District policy to accommodate the legitimate objections of individuals by granting waivers of participation when requested or when no other reasonable alternative is possible.

- 14.2. A parent, a legal guardian of a student, or a secondary student may [request a waiver of participation](#) in any portion of the curriculum or school activity which the requesting party believes to be an infringement upon a right of conscience or the exercise of religious freedom in any of the following ways:
  - 14.2.1. It would require an affirmation or denial of a religious belief or practice, or right of conscience;
  - 14.2.2. It would require participation in a practice forbidden by a religious belief or practice, or right of conscience; or
  - 14.2.3. It would bar participation in a practice required by a religious belief or practice, or right of conscience.
- 14.3. A claimed infringement must rise to a level of belief that the school requirement violates a superior duty which is more than personal preference.
- 14.4. A parent, guardian, or secondary student requesting a waiver of participation may also suggest an alternative to the school requirement or activity that requires reasonably equivalent performance by the student of the objective of the curriculum or activity that is believed to be objectionable.
- 14.5. In responding to a request for a waiver, the school may:
  - 14.5.1. Waive participation by the student in the objectionable curriculum or activity, with no penalty;
  - 14.5.2. Provide a reasonable alternative as suggested by the parent or secondary student, or other reasonable alternative developed in consultation with the requesting party, that will achieve the objectives of the portion of the curriculum or activity for which waiver is sought; or
  - 14.5.3. Deny the request.
- 14.6. A request for waiver shall not be denied unless school officials determine that requiring the participation of the student is the least restrictive means necessary to achieve a specifically identified educational objective, in furtherance of a compelling school interest.
- 14.7. In responding to a request for waiver, the school shall not require a student to accept a substandard or educationally deficient alternative.
- 14.8. If any portion of any curriculum or activity is repeatedly alleged to interfere with the rights of conscience or exercise of religious freedom of students, parents or legal guardians, such curriculum or activity shall be evaluated by the school and District Teaching and Learning Department to determine whether the educational objectives could be achieved by less intrusive means.

## 15. RELEASED TIME FOR RELIGIOUS INSTRUCTION

**General rule:** Public schools may permit the release of students during school hours for attendance at religious classes taught by religious teachers on private property, but not on public school premises. With respect to released time programs in the District practice and procedure is as follows:

- 15.1. A religious class may not be held in school buildings or on school property in any way that permits public money or property to be applied to, or that requires public employees to become entangled with, any religious worship, exercise, or instruction.



- 15.2. A student may attend released-time classes during the regular school day only upon the written request and permission of the student's parent or legal guardian.
- 15.3. A public school may not maintain records of attendance for released-time classes or use school personnel or school resources to regulate such attendance. Records of attendance at religious released-time classes, grades, marks, or other data may not be included in the correspondence or reports made by the public school to parents.
- 15.4. Teachers of released-time classes are not members of the public school faculty. Release-time teachers may participate in school activities as community members.
- 15.5. A public school class schedule and course catalog may not include a released-time class by name. At the convenience of the school, a registration form may contain a space for a "released-time" designation. Scheduling shall take place on forms and supplies furnished by the religious institution and by personnel employed or engaged by the institution and shall occur off public school premises.
- 15.6. A public school publication may not include pictures, reports, or records of functions of released-time classes.
- 15.7. A public school teacher, administrator, or other official may not request teachers of released-time classes to exercise functions or assume responsibilities for the public school program which would result in a commingling of the activities of the school and the released-time class sponsor.
- 15.8. Public school personnel may not participate in released-time classes during work hours. A release-time class may not use school resources or equipment. A public school may not connection of bells, telephones, computer, or other devices between public school buildings and institutions offering religious instruction, except as a convenience to the public school in the operation of its own programs. When any connection of devices is permitted, the pro-rata costs shall be borne by the respective institutions.
- 15.9. Institutions offering religious instruction shall be regarded as private programs or schools completely separate and apart from the public schools.

**16. PROCEDURES FOR REPORTING COMPLAINTS**

Complaints of discrimination on the basis of religion will be reported, investigated, and resolved according to the provisions District policy 11IR-100 Nondiscrimination Policy and Complaint Procedures.

**17. MONITORING RESPONSIBILITY AND REVIEW**

District Legal Counsel, and the District Civil Rights Compliance Officer, as designated by the Superintendent of Schools, will be responsible for ensuring compliance with this policy. They will periodically evaluate, among other things; the frequency and nature of complaints under this policy; staff and student compliance with the policy; and staff, student, and parent perceptions of the policy's effectiveness. Results of the evaluation will be used to modify or update this policy as appropriate, with an emphasis on remedying deficiencies.

**18. POLICY DISSEMINATION**

A summary of the policy shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications as directed by the Superintendent.

## DEFINITIONS

**“Civility”** means the attitude of respect for another’s belief or views; a method of dialogue and interaction emphasizing reasonableness and sensitivity. Within the context of religious liberty, civility is a civic virtue, a character trait that encompasses respecting the rights of others, including the rights of all citizens to express their beliefs and practice their faith in a law-abiding manner.

**“Conscience”** means a standard based upon learned experiences, a personal philosophy or system of belief, religious teachings or doctrine, and absolute or external sense of right and wrong which is felt on an individual basis, a belief in an external Absolute, or any combination of the foregoing.

**“Discretionary time”** means non-instructional time during which a student is free to pursue personal interests (e.g., free time before and after school, during lunch and between classes or on buses, and private time before and after athletic events or activities.)

**“Free exercise of religious practice/speech”** means the right to choose or reject religious, theistic, agnostic, or atheistic convictions and to act upon that choice.

**“Harassment”** means words, gestures, or actions which threaten, intimidate, coerce, or physically or emotionally abuse someone. In determining whether any activity is harassment, school officials shall consider the totality of the circumstances, including but not limited to: severity or pervasiveness of the conduct, number of students involved, maturity and age of students, the request to stop the conduct or the futility of such a request, etc.

**“Instructional time”** means time during which the school is responsible for a student and the student is required to be actively engaged in a learning activity. Such time includes instructional activities in the classroom or study hall during regularly scheduled hours, required school 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.

**“Official capacity”** the conduct of any school employee or volunteer when performing any authorized school functions or task; i.e., when performing any act under color and by virtue of his/her position. “Official capacity” is also defined as the conduct of any school employee or volunteer when performing official duties, whether before, during, or after regular school hours.

**“Official neutrality”** means school officials and employees while acting in their official capacities shall not use their positions to endorse, promote, or disparage a particular religious, denominational, sectarian agnostic, or atheistic belief, viewpoint, or practice. Consequently, they are prohibited from doing or saying anything that could be reasonably interpreted as inculcating or inhibiting any religious idea, belief or practice as defined herein.

**“Religion”** For purposes of free exercise under this policy, the term religion is generally defined as a specific system of belief or worship encompassing the nature of deity and/or reality and the relationship of human beings to that deity and/or reality. However, the term religion is not limited to orthodox belief systems or practices; an individual’s belief does not have to recognize a supreme being or meet any organizational or doctrinal test to be protected under this policy.

**“Religious music/non-religious music”** means [a] Religious music is defined as: 1) Any music that recognizes the existence of a supreme being or deity. “The Messiah,” “O Holy Night,” “Silent Night,” the Kaddish, Kol Nidra, and Maoz Tzur are examples of this music. 2) Any music that is suggestive of or that has become so closely associated with religions or religious holidays that it may be looked upon as being of a religious nature. [b] Non-religious music is defined as seasonal, cultural, or ethnic music such as “Frosty the Snowman,” “Jingle Bells,” “Winter Wonderland,” and “over the River and Through the Woods.”

**“Religious symbols”** means a religious symbol is: 1) Any object that portrays or recognizes the existence of a supreme being or deity. Symbols in this category include The Cross, Star of David, nativity scene, menorah, tablets, chalices, crescent, Buddha, and any other symbols that are part of a religious celebration or ceremony. 2) Any object that is so closely associated with religion or with the celebration of a religious holiday that it is looked upon as being of religious nature. Such objects include the dreydal, Christmas tree, Santa Claus, Lion of Judah, Easter

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eggs and Easter bunnies.

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#### REFERENCES

United States Constitution, First Amendment.

20 U.S.C. § 4071 et seq., - Equal Access.

20 U.S.C. §§ 6061 and 7904 - School Prayer.

42 U.S.C. § 2000e - Equal Employment Opportunities Act (Title VII).

Utah Constitution, Article X, Section 8.

[Utah Code Ann. §53G-7-207](#) - Period of silence.

[Utah Code Ann. §53G-10-202](#) - Maintaining constitutional freedom in the public schools.

[Utah Code Ann. §53G-10-203](#) - Expressions of belief-discretionary time.

[Utah Code Ann. §53G-10-205](#) - Waivers of participation.

[Utah Code Ann. §53G-10-402](#) - Political and religious doctrine prohibited.

[Utah Admin. Code R277-105](#) - Recognizing constitutional freedoms in the schools.

[Utah Admin. Code R277-610](#) - Released-time classes for religious instruction.

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#### FORMS AND OTHER LINKS

[Request for Waiver of Participation](#)

[District Policy 4I-200 - Instructional Materials Adoption and Appeals Procedures.](#)

[District Policy 5S-100 - Student Conduct and Discipline](#)

[District Policy 5S-101 - School Attendance and Truancy Intervention](#)

[District Policy 5S-202 - Authorization of Student Clubs and Organizations](#)

[District Policy 11IR-110 - Family Educational Rights and Privacy \(FERPA\)](#)

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#### DOCUMENT HISTORY:

**Adopted: January 21, 1997** – Policy effective: February 1, 1997

**Revised: August 4, 1998** – Section on Volunteers added.

**Revised: December 2, 2008** – Removed introduction under Purpose and Philosophy, removed footnotes, revised Procedures for Reporting and Resolving Complaints so it is the same as other complaint procedures.

**Revised: March 6, 2012** - Changed Title from Religion in Education to Recognizing Constitutional Freedoms in Public Schools.

Revised complaint procedure to make all complaint procedures standardized throughout District policy.

**Revised: May 7, 2013** – Technical changes made due to updates made in Administrative Rule R277-610.

**Revised: May 15, 2018** - Five year review. Technical changes to comply with updates to Administrative Rule 277-610.

