

# POLICY

UNION COUNTY  
EDUCATIONAL  
SERVICES COMMISSION  
PROGRAM

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Religion in the Schools

## 2270 RELIGION IN THE SCHOOLS

The Board of Directors recognizes that religious belief and disbelief are matters of personal conviction rather than governmental authority and the students of this district are protected by the First Amendment of the United States Constitution and by Article I, Paragraph 4 of the New Jersey State Constitution from the establishment of religion in the schools. **The First Amendment requires public school officials will to show be neutral in their treatment of religion in the school district, showing neither favoritism toward nor hostility against religious expression such as prayer.** Accordingly, ~~devotional exercises will be permitted in this district.~~

**The United States Department of Education's Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools (USDOE Guidance) provides information on the current state of the law concerning religious expression in public schools.**

The following activities as **outlined in the USDOE Guidance** will be permitted **upon applying the governing constitutional principles in particular contexts related to:** ~~in the school district provided the activity is consistent with current United States Supreme Court decisions regarding the relationship between government and religion:~~ **prayer during non-instructional time; organized prayer groups and activities; teachers, administrators, and other school employees' activities; moments of silence; accommodations for prayer during instructional time; religious expression and prayer in classroom assignments; student assemblies and extra-curricular noncurricular events; prayer at graduation; and/or baccalaureate ceremonies; devotional exercises and other prayer and/or religion related activities.**

The following activities as **outlined in the USDOE Guidance** will be permitted **upon applying the governing constitutional principles in particular contexts related to religious expression: religious literature; teaching about religion; student dress codes and policies; and/or religious excusals.** ~~The school district will not permit an activity if the activity advances or inhibits any particular religious expression that is protected by the First Amendment of the United States Constitution.~~

**The Equal Access Act, 20 U.S.C. Section 4071, is designed to ensure that student religious activities are afforded the same access to Federally funded public secondary school facilities as are student secular activities. The United States Department of Justice has developed guidance for interpreting the Equal Access Act's requirements outlined in the USDOE Guidance in the area of general provisions, prayer service and worship exercises, means of publicized meetings, lunch-time and recess, and leadership of religious student groups.**

~~The Board believes that an understanding of religions and the contributions that religion has made to the advancement of civilization is essential to the thorough education of young people~~

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~~and to their appreciation of a pluralistic society. To that end, the curriculum may be developed to include, as appropriate to the various ages and attainments of the students, instruction about the religions of the world.~~

~~The Board also acknowledges the degree to which a religious consciousness has enriched the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the schools of this district frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may, therefore, be religious in nature shall not, by itself, bar their use by the district. The Board directs that teaching 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 thorough and efficient education of the children of this district, not for its conformity to religious principles. Students should receive unbiased instruction in the schools so that they may privately accept or reject the knowledge so gained in accordance with their own religious tenets.~~

**Any issues regarding religion in the schools and the provisions of this Policy shall be referred to the Superintendent of Schools who may consult with the Board Attorney.**

U.S. Const. Amend. 1

**The Equal Access Act, 20 U.S.C. Section 4071**

U.S. Department of Education - Guidance on Constitutionally Protected  
Prayer in Public Elementary and Secondary Schools – February 7, 2003

**January 16, 2020**

N.J. Const. (1947) Art. 1, para. 4

N.J.S.A. 18A:35-4.6 et seq.; 18A:36-16

Adopted: December 3, 2003

**Revised:**