



ADMINISTRATIVE PROCEDURE

RELIGIOUS AND PATRIOTIC EXPRESSION

2520

Procedure No.

November 1, 2004

Date

- I. **PURPOSE:** To provide school system employees guidance with respect to religious and patriotic expression in the schools.
- II. **BACKGROUND:** The Supreme Court has repeatedly held that the First Amendment of the U.S. Constitution requires public school officials to be neutral in their treatment of religion. A school system can neither show favoritism toward nor hostility against religious activity and protects religious activity that is initiated by private individuals. Accordingly, it is the board's position that schools be guided by applicable judicial decisions interpreting the religious clauses of the First Amendment.
- III. **PROCEDURES:**
 - A. Student Prayer and Religious Discussion
 1. Students have the same right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activity. 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, non-disruptive activities.
 2. Students may express their beliefs about religion in homework, artwork, and other written and oral assignments.
 3. The principal may exercise discretion to impose rules of order and other pedagogical restrictions on student activities and may intercede to stop student speech that constitutes harassment aimed at a student or a group of students.
 4. Students may elect to participate in before- or after-school events such as "See You at the Flagpole" gatherings on the same terms that they may participate in other non-curricular activities on school premises. School system employees may neither encourage nor discourage participation in such events and school officials may only be present to monitor for supervision but may not participate.
 5. Teachers and administrators should ensure that no student is in any way coerced to participate in a religious activity.
 - B. Graduation Prayer and Baccalaureates

Under current Supreme Court decisions, school officials may not mandate or organize prayer at graduation ceremonies nor organize religious baccalaureate services. 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.



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C. Official Neutrality Regarding Religious Activity

School employees, when acting in their official capacities, are representatives of the state and are prohibited by the Establishment Clause of the First Amendment from soliciting or encouraging religious activity and from participating in such activity with students.

D. Teaching About Religion

1. Teachers may not provide religious instruction but they may teach about religion in the context of the history of religion, comparative religion, scripture as literature, and the role of religion in the history of the United States and other countries. Similarly it is permissible to consider religious influences on art, music, literature, and social studies.
2. Teachers may teach about religious holidays, including their religious aspects, and schools may celebrate the secular aspects of holidays.

E. Patriotic Exercise

1. The principal will assure that:
 - a. Appropriate opening exercises, including the salute and pledge to the flag, are conducted.
 - b. Patriotic exercises are conducted, when appropriate, preceding assemblies and other school programs.
 - c. Patriotic exercises are positive learning experiences for students.
 - d. Staff members involve students in the planning and production of patriotic exercises.
2. No student or staff member will:
 - a. Be compelled to participate in patriotic exercises, nor will any student be penalized or embarrassed for failure to participate.
 - b. Interfere with the rights of others to participate in patriotic exercises. Such interference constitutes grounds for disciplinary action.

F. Teaching Values

Though schools must be neutral with respect to religion, they play an active role with respect to teaching the Core values that hold us together as a community.



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The fact that some of these values are also held by religions does not make it unlawful to teach them in school.

G. Student Clubs

At the secondary level, a student or a group of students may conduct or organize a religious club as allowed under the Equal Access Act (20 u.s.c. §§4071-74).

H. Questions Regarding Religious Expression

Questions regarding religious expression should be directed to the Legal Office.

- IV. **LEGAL REFERENCE:** Annotated Code of Maryland, Education Article §7-104; Code of Maryland Regulations 13A.04.04.01; U. S. Department of Education's Guidelines on Religious Expression in Public Schools.
- V. **RELATED PROCEDURES:** Board Policy 2513, Special Days and Observances and Board Policy 2513.2, Special Days and Observances of All Faiths .
- VI. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** This Administrative Procedure originates with the Legal Office and will be updated as needed.
- VII. **CANCELLATIONS AND SUPERSEDURES:** None. This is a new Administrative Procedure.
- VIII. **EFFECTIVE DATE:** November 1, 2004.

Approved by:
André J. Hornsby
Chief Executive Officer

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