

# CVUSD Board Policy

BP 6141.2

## Instruction

### Recognition Of Religious Beliefs And Customs

\*\*\*Note: In February 2003, the U.S. Department of Education issued guidance on constitutionally protected prayer in public schools. Pursuant to 20 USC 7904, added by the No Child Left Behind Act, districts must annually certify to the California Department of Education that it does not have a policy that prevents, or otherwise denies participation in, constitutionally protected school prayer. While the guidance may provide some direction to school districts regarding issues surrounding religion in public schools, certain provisions may not give a complete picture of the state of the law for school districts in California. Because decisions of the 9th Circuit Court of Appeal (of which California is a part) and state court decisions reflecting the California Constitution may not be reflected in the guidance, districts with questions regarding religious issues in schools should consult legal counsel.\*\*\*

\*\*\*Note: 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 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. \*\*\*

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.

(cf. 6143 - Courses of Study)

In order to respect each student's individual right to freedom of religious practice, religious indoctrination is clearly forbidden in the public schools. Instruction about religion shall not promote or denigrate the beliefs or customs of any particular religion or sect, nor should 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.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1330 - Use of School Facilities)  
(cf. 1325 - Advertising and Promotion)  
(cf. 5113 - Absences and Excuses)  
(cf. 6145.5 - Student Organizations and Equal Access)

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 shall not lead students in prayer or other religious activities. However, staff shall not prohibit or discourage any student from praying or otherwise expressing his/her religious belief as long as this does not disrupt the classroom.

(cf. 5127 - Graduation Ceremony and Activities)

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.

(cf. 5121 - Grades/Evaluation of Student Achievement)  
(cf. 5145.2 - Freedom of Speech/Expression)  
(cf. 6144 - Controversial Issues)  
(cf. 6154 - Homework/Make-up Work)

While teaching about religious holidays is a permissible part of the educational program, celebrating religious holidays is not allowed in the public schools. 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.

Legal Reference:

EDUCATION CODE

38130-38138 Civic Center Act

46014 Absences for religious purposes

51511 Religious matters properly included in courses of study

51938 Right of parent/guardian to excuse from sexual health instruction

UNITED STATES CODE, TITLE 20

4071-4074 Equal Access Act

6061 School prayer

7904 School prayer

## COURT DECISIONS

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

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

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

## Management Resources:

### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools,  
February 2003

Religion in the Public Schools: A Joint Statement of Current Law, April 1995

### WEB SITES

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

CSBA: <http://www.csba.org>

CSBA: (12/88 6/96) 3/04

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