



Guided by the Jewish values of *Tikkun Olam* (repairing the world) and *Tzedakah* (righteous giving), the mission and purpose of The Jewish Federation of Raleigh-Cary are to mobilize human and financial resources to (a) support and strengthen our local and regional Jewish community and (b) to meet the shared obligations of our local community to Israel and international Jewry. Seeking to strengthen Jewish identity, the Federation serves as the facilitating force that connects generations, congregations and the unaffiliated alike.



The Jewish Community Relations Council hopes that this pamphlet will serve as a guide to promote better understanding of the rights of religious expression in public schools.

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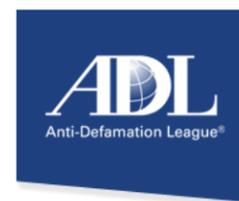
The Jewish Federation  
OF RALEIGH-CARY

## Religious Expression in North Carolina Public Schools

*The United States Constitution guarantees religious liberty through the First Amendment which says that the government "...shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."*



**Information in this pamphlet adapted from: "Religion in the Public Schools," Anti-Defamation League (ADL), Washington, D.C.**



The **Jewish Community Relations Council (JCRC)** is a program of **The Jewish Federation of Raleigh-Cary**. JCRC builds bridges of understanding and communication within our Jewish community, and beyond to the general community. Whether advocating for Jewish students, teachers or staff with Wake County Public Schools, meeting with government officials, exploring interfaith initiatives, or strengthening ties to Israel, JCRC represents the interests of our Jewish community everyday.



The **JCRC Schools Committee** informs and educates Wake County public and private schools about Jewish culture, traditions, and practices. When issues of importance to the Jewish community arise, JCRC advocates on behalf of students, parents, teachers, and school staff. The JCRC Education committee also supports local Jewish college students through its relationship with NCSU Hillel and other statewide Jewish student organizations.

## **Religious Expression FAQs for Students, School Officials, Parents and Others**

### **Is school sponsored prayer ever permissible?**

School-sponsored prayer in the public school setting is unconstitutional. The same rule applies whether the prayer occurs in the classroom, at a graduation, or at a high school football game. When a teacher, coach, or school administrator endorses religious conduct as part of an educational or extracurricular exercise, the government becomes excessively involved in religion. Furthermore, school officials cannot defend school-sanctioned religious conduct by pointing to the fact that dissenters may be excused from participating.

### **Is a school-sponsored moment of silence permissible in public schools?**

A moment of silence is constitutionally permissible if (1) the moment is free from any direction by school officials; (2) there is no state coercion or element of preference for a particular religion, or for religion in general; and (3) students are left to meditate, reflect, or pray as they see fit. In 1995, the North Carolina General Assembly passed a law that allows, but does not require, such a practice in its public schools. In addition, this law specifically states that the period of silence shall be free from any influence on the part of any school employee.

### **May a school penalize a student from missing a day of school for religious observance?**

No. In accordance with the Free Exercise Clause of the First Amendment, schools must accommodate students' religious beliefs. They may neither engage in overt discrimination nor adopt policies that are fair in form but discriminatory in practice. However, the school may require students to complete make-up assignments or examinations. While schools are not required to close on a particular religious holiday, they may choose to do so for the purpose of administrative convenience, for example, when a large number of students are expected to be absent. As long as the school's purpose in creating an all-school holiday is religiously neutral, the school does not endorse nor advance a particular religion or religion in general, and the school's recognition of that religious holiday does not result in an excessive entanglement with religion, the school is not in violation of the Establishment Clause of the First Amendment.

### **May religious organizations use school facilities to as a place to meet after hours?**

As long as the school does not involve itself in the religious organization's activities, the group's use of the school's facilities is permissible. If the school allows some community groups access, it may not exclude others based on their beliefs or expression of those beliefs. Therefore, private religious groups must

have the same access to the facilities as non-religious groups. This rule applies to use of school facilities during non-instructional time only.

### **May teachers or administrators pray, read, and discuss their religious beliefs at school?**

Because of their role as "state actors" (i.e., people who, whether as employees or volunteers, are acting in an official governmental capacity), teachers face certain restrictions regarding the circumstances in which they may express religious views or engage in religious conduct. While instructing students or engaging in other official school functions, such as overseeing athletic events and graduation ceremonies, teachers are considered to be state actors and therefore are strictly forbidden, while engaged in official school activities, from conveying a preference for one religion over another or religion over non-religion. During free time, however, teachers may discuss their views with other teachers, read religious texts in the teachers' lounge, and say a blessing before they eat, as long as they are not subjecting anyone to their views involuntarily and the school is not involved in their religious practices.

### **May students or religious groups distribute literature on school grounds?**

Private entities may not enter classrooms to hand out religious materials, nor may they request that a teacher hand out such materials, as this may have a coercive effect on students. Rather, private entities may passively distribute Bibles or other religious materials from a fixed location, where students are free to take or leave the materials without coercion, and provided no school employees participate in the distribution. If a school has in place a system whereby community groups can submit flyers to be distributed to students, the school may not exclude religious organizations from advertising their activities or programs. Accordingly, the school is prohibited from discriminating against a group based on its beliefs, viewpoints, or expression thereof. The school is, however, permitted to establish a purpose for the flyer distribution program and can deny access to any organization that does not fall within its purview. For example, the purpose of the flyer program could be to distribute information about community, charitable, recreational, and education-related activities, cultural and sporting events, and health issues, but to exclude those events that are profit-driven. However, schools are still prevented from excluding a group's participation in the program on the basis of the group's viewpoint on a subject that is otherwise permissible. If a school board permits religious literature to be passively distributed in secondary schools, it must provide an equal opportunity to other groups, religious or not.

### **May a student incorporate his/her religious beliefs into a school assignment?**

Where a student responds to an assignment with a religiously-themed project, a school may not refuse to accept the assignment solely because it has a religious basis. However, if in observing the presentation of the

assignment—especially expressive assignments like artwork, plays and reports that are presented publicly—an observer might think that the project is endorsed by the school. Thus, a book report delivered to a teacher may not be rejected merely because it is religious, whereas a work of art that will be hung up or displayed by the school, or a play intended for public performance, is unacceptable.

### **Is it permissible for students to read religious texts as a part of their curriculum?**

Reading religious texts is appropriate as long as it neither advances religious beliefs nor attempts to teach religion-based morality or ethics. The Supreme Court has held that the study of religion is permissible as part of a "secular program of education." Some examples of such programs include comparative religions, the history of religion, and the Bible as literature. The class is appropriate as long as it neither advances religious beliefs nor attempts to teach religion-based morality or ethics. Although the Supreme Court has affirmed that the teaching of moral and ethical values is a valid secular purpose, the use of a sacred religious text in such teaching transforms a secular exercise into a religious one. Therefore, in order to be constitutional, any teaching of moral values must not be based on religion.

### **May schools teach secular values which coincide with religious values?**

Schools may indeed, and should, teach secular values such as honesty, respect for others, courage, kindness and good citizenship. These values, however, must not be taught as religious tenets. The fact that most religions also teach these values does not change the lawfulness and desirability of teaching them. It is also appropriate for school officials to instill in students such values as "independent thought, tolerance of diverse views, self-respect, maturity, self-reliance and logical decision-making."

### **May a student religious organization be granted permission to form a school-sponsored club?**

Yes, but only if other non-curriculum related clubs are allowed to meet and the time of gathering is declared non-instructional. If a secondary school creates a limited open forum for student groups, it must offer equal access to all student groups and cannot prohibit student religious clubs from meeting during that time. There is some discrepancy regarding whether activity periods and study halls are considered non-instructional time and thus whether student religious groups may hold meetings during those periods. However, a school may choose to bar all non-curriculum related student groups from meeting during lunch or study hall. This bar would apply to all student groups, including religion-based clubs. Regardless of school policy pertaining to student clubs, students are always permitted, individually, to quietly pray before eating lunch. In fact, students may pray on their own during the school day as long as their behavior neither disrupts school activities nor inhibits the rights of others to freedom of conscience.

## **Should schools accommodate religious clothes in exception of their dress code?**

Public schools are generally permitted to accommodate the religious clothing and attire needs of students. Provided that a uniform policy or dress code complies with the First Amendment's free speech clause, and it is truly general in nature and neutral to religion, the policy or code may prohibit students from wearing religious clothes or attire so long as there is a nominal justification for the prohibition. However, there are a number of significant exceptions to this rule. North Carolina State Law has a provision called Religious Freedom Restoration Act which requires the government, including public schools, to demonstrate a narrow and compelling interest where religious activity or practice is substantially burdened by a law, ordinance, governmental rule, or practice. Demonstrating such an interest is extremely difficult. For the purposes of these laws, it is irrelevant whether or not the law, rule, or practice is general in nature or neutral towards religion. A uniform policy or dress code, prohibiting a student from wearing religious clothes or , will generally constitute a substantial burden on religious practice, and will therefore be impermissible under such state laws.

### **May students object from a particular lesson on religious grounds?**

No. While it is true that public schools may be required to exempt students from compulsory attendance beyond the eighth grade if a request for exemption is based on religious reasons, there is no requirement that public school teachers exempt students from specific assignments that they find religiously objectionable. The Supreme Court has yet to rule on whether parents have a right to have their children excused from attending specific courses, or using specific course materials, that the parents find contrary to their religious beliefs. Courts have distinguished between mere exposure to religiously offensive viewpoints, which does not compel students to act according to those viewpoints, and assignments that compel action, concluding that only compulsion to act contrary to religious beliefs is unconstitutional. One court noted that while students may not be compelled "to affirm or deny a religious belief or to engage or refrain from engaging in a practice forbidden or required in the exercise of [their] religion," they may, nevertheless, be required to at least read and discuss material that they find objectionable.