Cooperative Agreements between Schools and the Religious Community - First Amendment Issues

by First Amendment Center

As schools struggle to provide added services to promote school safety and support for at risk students through after school interventions and tutoring, they are seeking help from institutions and groups outside the traditional school networks. Many religious communities now cooperate with public schools to provide safe havens in dangerous neighborhoods, crisis counseling services, after-school homework centers and other programs serving kids in need. As more and more schools and districts establish working partnerships with the faith community, they need to consider the First Amendment issues that these arrangements involve. The First Amendment Center, chief advisor of the California Three Rs Project, offers a set of guidelines that offer much wisdom for school and faith community leaders.

What general principles should public schools and religious communities follow when entering into a cooperative arrangement?

In these guidelines, a “cooperative arrangement” is defined as a shared participation in specific programs and activities in accordance with a written agreement. Before entering into a cooperative arrangement, public schools and religious communities should understand and accept the following principles:

1. Under the First Amendment, public schools must be neutral concerning religion in all of their activities. School officials must take the necessary steps to ensure that any cooperative activities that take place are wholly secular. Persons invited to address students during the school day shall be advised of this requirement and must agree to abide by it before being allowed access to students.

2. Students have the right to engage in, or decline to engage in, religious activities at their own initiative, so long as they do not interfere with the rights of others. School districts are urged to adopt policies that reflect recent consensus statements on current law concerning religion in public schools.

3. Cooperative programs between religious institutions and the public schools are permissible only if:
* Participation in programs is not limited to religious groups. That is, schools must be open to participation by all responsible community groups.

* A student’s grades, class ranking or participation in any school program will not be affected by his or her willingness to participate or not participate in a cooperative program with a religious institution.

* Student participation in any cooperative program may not be conditioned on membership in any religious group, acceptance or rejection of any religious belief, or participation (or refusal to participate) in any religious activity.

The California Three Rs Project will send any of the following documents and consensus guidelines related to religion and public schools to your school or institution in California: **Public Schools and Religious Communities, A Teacher’s Guide to Religion in the Public Schools,** and **A Parent’s Guide to Religion in the Public Schools.**

The above consensus documents are also available at the First Amendment Center website at [http://www.firstamendmentcenter.org/about.aspx?id=6429](http://www.firstamendmentcenter.org/about.aspx?id=6429). In addition, the First Amendment Center website offers the following valuable resources: **Religious Liberty in American Life: Preparing Religious Leaders for Civic Engagement in the 21st Century** and **Partnership or Peril?: Faith-Based Initiatives and the First Amendment.**


For up-to-the-minute information about the law related to the First Amendment and Public Schools, join the California Three Rs in Ontario for the **First Amendment Issues and Public Schools - Guidelines for Developing Policies and Partnerships** conference.

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The above information was taken from the First Amendment Center website with permission. It is accurate as of February 2004. For more information on religious liberty and public schools, please see The First Amendment Center website [http://www.firstamendmentcenter.org/rel_liberty/index.aspx](http://www.firstamendmentcenter.org/rel_liberty/index.aspx) Here the case law and Frequently Asked Questions are posted for the convenience of the user.
First Amendment Issues and Public Schools - Guidelines for Developing Policies and Partnerships

October 26, 2004
Hilton Ontario Airport Hotel
700 North Haven Avenue, Ontario (Haven and 10 Frwy)
8:30 a.m.—3:30 p.m.
$65 per person, includes lunch and materials
Featured Speaker - John Ferguson, religious liberty attorney and consultant for First Amendment Center

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; of abridging the freedom of speech, or of the press; of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The First Amendment of the U.S. Constitution

The First Amendment raises many questions for school administrators and faith community leaders about forming legally permissible partnerships in support of today’s students. Also of concern are issues of student expression, school clubs, the responsibilities of faith community leaders serving on school campuses, religious rights of teachers, and the No Child Left Behind Constitutionally Protected Prayer agreement. This conference is designed to answer questions on such topics as:

Is it constitutional for…
* a teacher to wear religious jewelry or clothing?
* students to publish negative stories about faculty or other students on their personal web pages?
* students in the Bible Club to publicize meetings in the school bulletin?
* students to form a gay/straight alliance club on campus?
* churches to have religious artifacts up during after school student tutoring sessions?

The plenary session in the morning will focus on the civic and legal context of the First Amendment with special emphasis on how controversies arise in the pubic school setting. The afternoon will focus on case studies that will provide an opportunity for dialogue and discussion of the nuances of the law and their requisite school policy.

Name: _________________________________________ Institution: _______________________________
Mailing Address: ___________________________________________ City: _________________________
Zip __________ Phone:(   )_____________ Fax:(   )_____________ Email __________________________

Make check or P.O. payable to SBCSS. Mail completed registration coupon and $60 per person to: San Bernardino County Superintendent of Schools, Attention Margaret Hill, CA 3Rs Lead, 601 North E Street, San Bernardino, CA 92410-3093  Fax (909) 386=2667

REGISTRATION DEADLINE – October 15, 2004
**Common Ground Resources:**


This book has guidelines on how to handle a wide range of issues related to religious liberty and public schools.

**First Amendment Center: Religious Liberty** [http://www.firstamendmentcenter.org/rel_liberty/index.aspx](http://www.firstamendmentcenter.org/rel_liberty/index.aspx)

This is an up-to-the-minute resource with current issues and court cases. A PDF version of *Finding Common Ground* is available here.

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**For California Three Rs program information, contact...**
Dr. Margaret Hill, California 3Rs Project Lead, San Bernardino County Superintendent of Schools, 601 N. E St., San Bernardino, CA 92410, (909) 386-2611, peg_hill@sbcss.k12.ca.us

**For First Amendment religious liberty information, contact...**
Charles C. Haynes, First Amendment Center Senior Scholar, First Amendment Center/Arlington 1101 Wilson Blvd., Arlington, VA 22209 Tel: 703/528-0800 Fax: 703/284-3519 chaynes@freedomforum.org

**For information on teaching about world religions, contact...**
Dr. Bruce Grelle, Director Religion and Public Education Resource Center, Department of Religious Studies, California State University Chico, Chico, CA 95929-0740, (530) 898-4739, bgrelle@csuchico.edu