



California Three Rs Advisory Committee

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California Three Rs Rights, Responsibility, and Respect

A Project of the California County Superintendents Educational
Services Association and The First Amendment Center

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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 afterschool 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:

(permissible cont'd)

- * 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> 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.**

Educators and religious leaders alike will find the U.S. Department of Education's guidelines on **Religion In The Public Schools: A Joint Statement Of Current Law** <http://www.ed.gov/Speeches/04-1995/prayer.html> a valuable resource. Written and distributed to all schools in the U.S, by Secretary of Education Riley in 1995, there has not been a document as comprehensive published since. Here you will find a summary of the 1995 law related to: student prayer, graduation prayer and baccalaureate, official participation or encouragement of religious activity, teaching about religion, student assignments and religion, distribution of religious literature, "See You At The Pole," religious persuasion versus religious harassment, Equal Access Act, religious holidays, excusal from religiously objectionable lessons, teaching values, student garb, and released time. The U.S. Department of Education recommends that schools and their partners use the recommendations in **Guidelines for School Officials, Volunteers and Mentors Participating in Public School Community Partnerships** available from its website at <http://www.ed.gov/inits/religionandschools/v-guide.html>.

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.



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 Here the case law and Frequently Asked Questions are posted for the convenience of the user.



The California Three Rs Project
and
The Association of California School Administrators
invite administrators, school board members, faith community leaders, and teacher leaders to

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 public 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.

-----First Amendment and Public Schools-----

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:

Finding Common Ground: A Guide to Religious Liberty in Public Schools by Charles C. Haynes and Oliver Thomas. First Amendment Center, 2001.

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

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

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