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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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Public Schools and Religious Organizations Balancing Student Need and the First Amendment

Adapted from *Public Schools and Religious Communities: A First Amendment Guide*
by Margaret Hill, Director California 3Rs Project

In this era of dramatically reduced funding for education, public school leaders are turning to community organizations, including religious ones, to help them provide services for students. These types of partnerships have potential to build public support for education and to connect schools, students and families to critical resources. On the other hand, if not well thought through, these same partnerships may create conflicts of interest, lead to misuse of funds, and create First Amendment Establishment conflicts. Good preplanning with input from all interested parties will help schools avoid many of the pitfalls.

The first thing to remember is that public schools and religious institutions have different missions, but they share similar civic and social values such as the need to provide for the welfare of children. Under the First Amendment, public schools must remain neutral among religions and between religion and non-religion. By contrast, religious institutions exist to propagate religious faith and encourage religious practices.

Since 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 or work with students during the school day shall be advised of this requirement and must agree to abide by it before being allowed access to students. For example, some schools have asked local clergy to help counsel students during periods of crisis following a death or tragedy. Others have invited clergy to do conflict resolution in the aftermath of gang or other incident of violence. Clergy or other religious leaders may not be the only counselors invited on campus, and, when they are asked to participate, must understand they are there to assist school personnel and other secular community experts. Qualifications should not be established which have the practical effect of including only religious groups. Eligibility shall be stated in writing. Religious leaders may not otherwise be given routine access to students during the school day.

Another issue to consider is that 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 or its representative. 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. To the extent that schools cooperate with adults who are important in a student's life (such as parents or other relatives, guardians, and social workers) to help students deal with school work, behavioral problems, or other issues, schools may also cooperate with an adult acknowledged by

a student as his or her religious leader. However, a school may not in any way compel or coerce a student to speak to representatives of religious institutions.

Mentoring is another area where schools, religious and community organizations are collaborating. Since providing a safe environment for students is a primary responsibility of schools acting in *loco parentis*, the community or religious facility used for off campus mentoring must meet health and safety codes that apply to buildings used by children, such as Field Act earthquake standards in California. Before any school district enters into a cooperative off campus mentoring arrangement with any community organization, including religious groups, school officials must inspect the facility and be confident that the involved personnel are properly vetted and provide a safe and secure place for children.

In addition, the “Public Schools and Religious Communities “ guide states that from a First Amendment point of view public schools may cooperate with mentoring projects run by religious institutions provided that:

- Other community organizations are given an equal opportunity and are subject to the same secular selection criteria to operate such programs in partnership with the schools.
- Referrals are made without regard to a student’s religious beliefs or lack of them.
- Participation in the program is not conditioned on mandatory participation, or refusal to participate, in religious programs operated by a religious institution.
- At no time do school officials encourage or discourage student participation in the religious programs of religious institutions.

If the cooperative mentoring arrangement involves the use of sanctuaries, libraries, or other facilities owned by religious groups, then the following First Amendment guidelines must be followed:

1. The schools must have a secular educational purpose for seeking to use the facilities of a church, synagogue, mosque, temple or other religious institution.
2. Where schools lease space from religious institutions for use as regular public school classrooms, the leased space is in effect a public school facility. Religious symbols or messages may not be displayed in the leased areas.
3. Cooperative programs using the facilities of religious institutions must not afford an actual opportunity for proselytizing by clergy, school employees, or adult volunteers of any school children during the school-affiliated program. A student may gain an interest in attending worship services at the facility, but the law prohibits clergy from leading devotions as part of the school program.
4. As stated above, religious symbols and messages may not be displayed in space leased from religious institutions for use as public-school classrooms. The rules are somewhat different for cooperative programs. A room bedecked with scriptural injunctions about repentance and salvation would not be appropriate for cooperative programs; a room with religious symbols or icons might well be.
5. School officials may neither select nor reject the use of a private religious facility based on the popularity or unpopularity of its religious teachings. Religion-neutral criteria should be employed, e.g., proximity to the schools in question; suitability of the facility for the intended use; health and safety; comparative expenses; accessibility for parent pickup or busing.
6. The school’s arrangement for use of a private religious facility should not involve or necessitate an ongoing administrative entanglement between the school district and the religious institution, in which one party ends up exerting influence over the content, scheduling or staffing of the other’s activities.

The *Public Schools and Religious Communities: A First Amendment Guide* was jointly published by the American Jewish Congress, the Christian Legal Society, and the First Amendment Center. The Guide has been co-signed by the American Association of School Administrators, Association for Supervision and Curriculum Development, Baptist Joint Committee on Public Affairs, Council on Islamic Education, National Association of Evangelicals, National Association of Secondary School Principals, National Council of Churches of Christ in the USA, National PTA, National School Boards Association, Union of Orthodox Jewish Congregations of America, and US Catholic Conference. For more information see: Religious Liberty in Public Schools http://www.firstamendmentcenter.org/rel_liberty/publicschools/index.aspx.



Religion in American History Institute, San Joaquin County Office of Education,
San Bernardino County Superintendent of Schools, Orange County Department of Education,
& the California Three Rs Project

Invite

Religion in American History institute teachers and U.S. and world history teachers from the region to



Teaching About the World Religions in Our Midst: America's Expanding Religious Pluralism

February 19-20, 2010

8:30 a.m. – 4:00 p.m.

**San Joaquin County Office of Education
Education Service Center**

**2707 Transworld Drive, Stockton 95206
Kingston Room**

**LUNCH and SUBSTITUTE COSTS PROVIDED + \$100 STIPEND TO PARTICIPANTS FOR LESSON
IMPLEMENTATION ON COMPLETION OF 2-DAY WORKSHOP**

This mini-institute is designed to address both U.S. and World History classroom and curriculum issues. Participants will receive a lesson/resource packet with suggested ideas for teaching the standards in grades 5, 6, 7, 8, 10 and 11 related to the religions under study; lessons/resources related to these religion in American history; and general 3Rs Project guidelines for dealing with religious diversity and teaching about religion in a constitutional manner. Each participant will also receive the book *An Educator's Classroom Guide to America's Religious Beliefs and Practices* by Hatfield, Santucci, and Hubbard.

Sessions

February 19 – Teaching About Religion in an Academic, Constitutional Manner

Judaism – From Ancient Hebrew Culture to Modern Times

Many Faces of Christianity Historically and Today

February 20 – Beliefs and Traditions of Islam in America and the World

Hinduism and Buddhism – Ancient Traditions in the World...New Voices in America

Scholars: Dr. Nancy Martin, Chapman University

Dr. Mira Amiras, San Jose State University

Questions: Email Margaret Hill, Director Religion in American History, mhill@csusb.edu

Registration deadline February 9, 2010

Name: _____ Grade Level _____

School: _____ District: _____

School address: _____ City: _____ Zip: _____

Email (Confirmation is by email): _____

**Mail, fax or email completed flier to Connie Schaffer, SJCOE Educational Services, P.O. Box 213030
Stockton, CA 95213. PHONE: (209) 468-9082 FAX (209) 468-9232 EMAIL: cschaffer@sjcoe.net**

Common Ground Resources:

Finding Common Ground: A Guide to Religious Liberty in Public Schools by Charles C. Haynes and Oliver Thomas. First Amendment Center, 2007.

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, Department of Educational Leadership & Curriculum, California State University San Bernardino, 5500 University Pkwy., San Bernardino, CA 92407
(909) 537-5459, mhill@csusb.edu

For First Amendment religious liberty information, contact...

Dr. Charles C. Haynes, Senior Scholar, Freedom Forum First Amendment Center, 555 Pennsylvania Avenue, NW, Washington D.C. 20001 Tel: 202/292-6293 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, 400 West First Street, Chico, CA 95929-0740,
(530) 898-4739, bgrelle@csuchico.edu

Sign up to receive the **Three Rs Bulletin** and program announcements electronically at mhill@csusb.edu or see <http://ca3rsproject.org/> for the CA3Rs Project Bulletin archive.

Dr. Peg Hill, Director
California 3Rs Project
Dept. of Educational Leadership & Curriculum
California State University, San Bernardino
5500 University Parkway
San Bernardino, CA 92407