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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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### **Student Religious Expression in School Assignments**

Adapted from Finding Common Ground

“Public schools can neither foster religion nor preclude it. Our public schools must treat religion with fairness and respect and vigorously protect religious expression as well as the freedom of conscience of all other students. In so doing our public schools reaffirm the First Amendment and enrich the lives of their students.”

*Richard W. Riley*

*Former U.S. Secretary of Education*

California’s teachers do a yeoman’s job of developing and implementing curriculum through thoughtfully developed assignments designed to guide student learning in order that they master the desired curriculum goals and content standards. This requires deep understanding of both content and student learning needs in the areas of language development, skill sequencing, and student motivation. Supporting teachers in the development of these understandings is the subject of countless professional development programs and staff meetings. However, the First Amendment and its relationship to classroom assignments, is generally ignored in such programs. Since legal case after legal case relating to policies and class assignments come before local school boards and the courts every year on student religious expression grounds, schools and districts need to address this issue to prevent needless challenges.

The relationship between religion and government in the U.S. is governed by the First Amendment, which both prevents government from establishing religion and protects privately initiated religious expression and activities from government interference and discrimination. To help schools maneuver through these First Amendment laws, Secretary of Education Rod Paige issued Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools (2003) in fulfillment of Section 9524 of the No Child Left Behind Act of 2001. Though the Guidance document has been sent to all school districts in the nation, the title of the USDOE document may have led some educators not familiar with First Amendment law to fail to understand that it applies to student expression and school assignments as well. The key point is that legal rules that govern the issue of constitutionally protected prayer in public schools are similar to those that govern religious expression more generally.

The Supreme Court has repeatedly held that the First Amendment requires public school officials to be neutral in their treatment of religion. This means that school administrators and teachers show neither favoritism toward religion nor hostility against religious expression. What the First Amendment forbids is religious activity sponsored by the government. An understanding of the line between government sponsored and privately initiated religious expression is vital to a proper adherence to the First Amendment in public schools

The Supreme Court's decisions over the past forty years have set forth principles that distinguish impermissible governmental religious speech from the constitutionally protected private religious speech by students. Public school teachers during their assigned duty time represent government and are, therefore, prohibited from imposing religious beliefs on students. For example, teachers and other public school officials may not lead their classes in prayer, use sacred text devotionally, or participate in religious ritual or practices. On the other hand, religious expression by students as private individuals is protected. Students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (*Tinker v. Des Moines*, 1969). Also, student "private religious speech, far from being a First Amendment orphan, is as fully protected under the Free Speech Clause as secular private expression." (*Capitol Square Review v. Pinette*, 1995) Local school authorities possess substantial discretion to impose rules of order and pedagogical restrictions on student activities (*Bethel School Dist. v. Fraser*, 1986), but they may not structure or administer rules to discriminate against student prayer or religious expression.

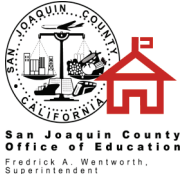
This means that schools must permit student expression on the basis of genuinely neutral criteria and remember that students retain primary control over the content of their expression, even in class assignments. Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Any home and class work should be judged by ordinary academic standards of substance and relevance and against other pedagogical concerns determined by the school. For example, if the assignment is for the student to write a poem and the student submits a poem in psalm or prayer format, then that poem should be accepted and evaluated according to academic standards of quality. It should be neither penalized nor rewarded based on its religious content.

Teachers would be well-served to challenge themselves to think through possible interpretations of their unconscious assumptions and academic intent before making assignments. The following questions are designed to assist in this reflective process.

### **Questions Teachers Should Ask Themselves Before Making In-class or Homework Assignments**

- Is this assignment neutral toward religion?
- Does this class activity have an academic purpose that is aligned to content standards?
- Is my academic objective clear and directly connected to my evaluation criteria?
- Do my evaluation criteria favor or penalize religious expression?
- Am I clear about all evaluation criteria in advance of the assignment?
- Is my assignment directly related to and neutral toward the types of sources that students may use?
- Do I display student work equally regardless of religious content?

Lastly, it is wise for districts to develop policies and provide professional development to teachers related to student religious expression on campus and in the classroom. All educators want students to learn and to thrive in the school and classroom. The fairness and respect engendered by a thoughtful adherence to First Amendment freedoms of conscience and expression will both enrich the school culture and better prepare our students for their responsibilities as citizens of our constitutional democracy.



California Three Rs Project, CSU San Bernardino, San Joaquin COE,  
Orange County DOE, and San Bernardino CSS



invite  
Grade 4-12 teachers, administrators, and curriculum specialists to a  
Religion in American History Institute Follow-up Session

## Religion in American History Pentecostalism in America – Its History and Influence Saturday, November 22, 2008

- LOCATION:** San Joaquin County Office of Education  
Educational Service Center – Kingston Room (2<sup>nd</sup> floor)  
2707 Transworld Drive, Stockton, CA 95206  
Stockton, CA 95206
- TIME:** 8:15 a.m. – 3:30 p.m.
- AUDIENCE:** This Religion in American History follow-up session is open to any grade 4-12 public school educator
- FEE:** This workshop is free but participants must pre-register
- BONUS:** All participants will receive lesson materials and the book An Educator's Classroom Guide to America's Religious Beliefs and Practices by B.J. Hubbard, J.T. Hatfield, & J.A. Santucci
- MAXIMUM:** 25 participants

Though it has roots in the 19<sup>th</sup> century and the early church, many historians consider the 1906 Azusa Street Revival in Los Angeles as marking the start of today's Pentecostal movement. Pentecostalism is arguably the most important mass religious movement of the twentieth century and now represents the second largest sub-group of global Christianity. Its adherents have an important influence on American political and social thinking. The scholar-led morning session will look at the history and influence of Pentecostalism in California and across the United States. In the afternoon, participants will discuss how religious pluralism impacts school curriculum and policy based on An Educator's Classroom Guide.

Questions? Contact Margaret Hill (909) 537-5459 [drpeghill@verizon.net](mailto:drpeghill@verizon.net)

----- Pentecostalism November 22, 2008 -----

Name: \_\_\_\_\_ School/District: \_\_\_\_\_

School Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone:( ) \_\_\_\_\_ Fax:( ) \_\_\_\_\_

Email (required) \_\_\_\_\_ Grade level: \_\_\_\_\_

Mail or fax completed registration coupon to:

CSU San Bernardino, Ed Leadership and Curriculum, College of Education  
Attention - Margaret Hill, Director CA 3Rs Project and Religion in American History Institute,  
5500 University Parkway, San Bernardino, CA 92407-2397 Fax (909) 537-7173

**DEADLINE: November 17, 2008**

### **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](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](mailto: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](mailto: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](mailto:bgrelle@csuchico.edu)

Sign up to receive the **Three Rs Bulletin** and program announcements electronically at [mhill@csusb.edu](mailto:mhill@csusb.edu). or see [http://score.rims.k12.ca.us/score\\_lessons/3rs/index.html](http://score.rims.k12.ca.us/score_lessons/3rs/index.html)

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