

R 2270 RELIGION IN THE PUBLIC SCHOOLS
GUIDE TO PRACTICES

A. Introduction

This Guide is intended for the use of district and building administrators and classroom teachers in evaluating or approving practices relating to religious holidays and religious symbolism. It presumes that public school personnel will engage in principle-based decision making when such issues arise, and thus attempts to translate our current jurisprudence into an accessible, decision-making rationale.

B. Teaching About Religion

Beginning in the early sixties, the United States Supreme Court ruled that public schools may not foster religious practices, but may teach about religion. Teaching about religion must be secular, that is, it must provide objective information about religions in a context that does not promote or favor one over another, or religion over non-religion. Most reputable national educational and civil liberties organizations agree that an objective and sensitive approach to teaching about various religions, their traditions, and their value systems can foster both understanding and respect for diversity in the human community.

Given New Jersey's particularly strong commitment to curriculum-based instruction, teaching about religion should only be undertaken in conformity with curricular mandates, in order to avoid an inference that the particular lesson about religion is unsanctioned and irregular.

C. Teaching About and During Religious Holidays

Consistent with the foregoing principals, administrators and teachers must recognize the difference between teaching about religious holidays, and celebrating religious holidays. Teaching about religious holidays and traditions pursuant to curricular guidelines is permissible; fostering celebration of religious holidays is not. Here are some classroom based examples of these principles:

1. Objective information about the historical origins and timing of religious holidays, how such holidays are celebrated, and the generally recognized meaning or significance of the holidays, in a manner that meets the normal age-appropriate academic standards of the building and comports with the curricular guide, are permissible.

2. Delivering this objective information as a matter of the teacher's personal belief, or in a proselytizing manner, may make the lesson impermissible. Delivery should always include third party attribution; e.g. "The Roman Catholic Church believe that..."
 3. Eliciting or allowing a pupil's volunteered statements of personal beliefs or endorsements may make the lesson impermissible if it is not pedagogically necessary to do so.
 4. Religious music, art, drama, or symbols may be used as teaching aids in a pedagogically sound manner that is temporary, curriculum mandated, and directly related to the lesson at hand. Physical displays of religious art or symbols in classrooms should be limited in duration to the same period during which secular art or symbols are displayed in conjunction with units of study.
 5. Pupils should not be encouraged or compelled to undertake any project requiring them to produce a written, verbal, or artistic expression of a religious belief or symbol. However, a pupil who without demand or encouragement chooses to offer a religious expression in response to a secular project definition should be permitted to do so without penalty.
 6. Pupils requesting an excused absence to attend to religious worship, or to avoid a lesson on a religious subject, should be seen as exercising a fundamental right to belief or to refrain from belief, and accommodated accordingly. Making such accommodations does not relieve the classroom teacher of the obligation to limit classroom teaching to the secular purposes of the curriculum.
- D. Building Practices During Seasonal Religious Holidays

The principles expressed above apply equally to all aspects of building practices during seasonal religious holidays. To the extent that curriculum-driven instruction injects religious material into the classroom setting, practices consistent with the display or rendition of secular material in the larger building community may be applied to religious material. Here are some examples:

1. If religious music is taught along with secular music in a curriculum-based program of instruction, it may be performed by the pupils in building-wide and/or public concert, provided that the religious music not predominate the event. Special exceptions may be made where a curriculum-based course or unit of advanced, specialized secular instruction involves incidental religious predominance, e.g., the study of anti-bellum spiritual music in slave communities in the southern United States.

2. Dramatic productions growing out of the curriculum and portraying the cultural aspect of religious holidays would be permissible; religious pageants or celebratory plays are not.
 3. Student artwork, writings or other forms of communication growing out of permissible classroom instruction and involving religious expressions may be displayed in display cases, on bulletin boards, in pupil publications, and by other means normally utilized by the building for secular displays of current pupil productivity, consistent with the normal durational limits for such displays of classroom endeavor. On a building wide basis, a sense of proportionality is required. Obviously, the existence of a single unit of religious instruction in a single classroom will not excuse plastering an entire building with religious symbols, writings, and art.
 4. General seasonal decorative devices and displays that are predominantly secular in character are generally permissible (in November, pilgrim hats, cornucopias, turkeys, corn stalks, etc.; in December, snowmen, reindeer and sleigh, Santa Claus, snowflakes, lighted trees; in Spring, daffodils, lambs, bunnies, and colored eggs). However, with the primary objective of devising seasonal decorations that serve a legitimate educational purpose without leaving certain pupils feeling excluded or constrained by the presence or absence of religious symbols, the inclusion of religious symbols along with secular symbols represents a significant challenge to principled decision-making. Since such seasonal displays are not utilized year-round so as to mark all religious seasons, and since the sheer number of religions may make it impossible to include all religious symbols in a balanced way in a single display, the exclusion of certain religions is a predictable result. For this reason alone, the gratuitous inclusion of some religious symbolism in general secular building decorations must be avoided. On the other hand, the public display of pupil class work emanating from permissible curriculum-driven instruction about religion would be permissible for inclusion in a general seasonal display provided that it is identified as class work.
- E. Third Party Building or Classroom Displays

In some schools, it is customary for parent(s) or legal guardian(s) or parent organizations to "sponsor" or provide "voluntary" seasonal decorative devices or displays, and the question arises about whether the private origins of such displays permits the inclusion, or even predominance, of religious symbols or writings. Generally, our public school buildings are not like other public buildings where large lobbies, expansive front stairways, and adjacent lawns and parks are deemed to be "limited open public forums" in

which the private display of religious, or anti-religious, expression may carry certain privileges. While public schools may deliberately create "limited open public forums" that permit private organizations or persons to distribute literature, invite membership, promote events, or generally proselytize, such undertakings require that the building provide equal space to any other private party wanting to utilize the forum, and may not constrain the content of the communications. Clearly, this is an undesirable way to proceed, particularly with educational spaces at a premium and requiring maximum security. Thus, in the normal course, the seasonal decoration of a public school building with the administration's approval is as much a school-sponsored and governed event as permitting private persons to volunteer as chaperones on field trips - the arrangement is still deemed to be an act of the building administrator. As such, seasonal decorations provided by parent(s) or legal guardian(s) or parent organizations are governed by the same constraints on promoting or celebrating religion that the public schools, as government bodies, must observe as described above.