

2270 RELIGION IN THE SCHOOLS

[See POLICY ALERT Nos. 220 and 231]

It is the goal of the South Orange Maplewood School District to foster mutual understanding and respect for the right of all individuals regarding their beliefs, values and customs. In pursuing this goal, we recognize that we serve a diverse community with varying cultural, ethnic and religious orientation.

The Board of Education recognizes that religious belief and disbelief are matters of personal conviction rather than governmental authority and the students of this district are protected by the First Amendment of the United States Constitution and by Article I, Paragraph 4 of the New Jersey State Constitution from the establishment of religion in the schools. The First Amendment requires public school officials to show neither favoritism toward nor hostility against religious expression such as prayer.

As a condition of receiving Elementary and Secondary Education Act of 1965 (ESEA) funds, the Board of Education must annually certify in writing to the New Jersey Department of Education that no Board policy prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary and secondary schools, as detailed in ¶the United States Department of Education’s Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools (USDOE Guidance). The Board must provide this certification to the New Jersey Department of Education by October 1 of each year during which the Board participates in an ESEA program. The USDOE Guidance provides information on the current state of the law concerning constitutionally protected prayer and religious expression in public elementary and secondary schools.

The following activities as outlined in the USDOE Guidance will be permitted upon applying the governing constitutional principles in particular public contexts related to prayer: prayer and religious exercise during non-instructional time; organized prayer groups and activities; teachers, administrators, and other school employees’; moments of silence; accommodations of prayer and religious exercise during instructional time; student assemblies and noncurricular events; prayer at graduation; and/or baccalaureate ceremonies.

The following activities as outlined in the USDOE Guidance will be permitted upon applying constitutional principles regarding religious expression other than prayer in particular public school contexts: religious literature; teaching about religion; student dress codes and policies; religious expression in class assignments and homework; and/or excusals for religious activities.



In addition to the constitutional principles outlined in this Policy and the USDOE Guidance, public schools may also be subject to requirements under Federal and State laws relevant to prayer and religious expression. Such Federal and State laws may not; however, obviate or conflict with a public school's Federal constitutional obligations described in the USDOE Guidance. The Equal Access Act, 20 U.S.C. Section 4071, is designed to ensure that student religious activities are accorded the same access to Federally funded public secondary school facilities as are student secular activities.

The United States Department of Justice has developed guidance for interpreting the Equal Access Act's requirements outlined in the USDOE Guidance in the area of general provisions, prayer service and worship exercises, means of publicized meetings, lunch-time and recess, and leadership of religious student groups.

Any issues regarding prayer and religious expression in the schools, the USDOE Guidance, and the provisions of this Policy shall be referred to the Superintendent of Schools who may consult with the Board Attorney.

~~The South Orange and Maplewood School District will follow the legally mandated USDOE Guidance regarding the applicable governing constitutional principles:~~

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~~We are cognizant of the role of culture, including religion, in the development of our society and believe that objectively teaching about religion and its role in the social and historical development of civilization does not violate the religious neutrality of the public schools.~~

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~~Music, art, literature, dance and drama along with religious customs and traditions, which have come to us from various elements of our national population, may be used to broaden our students' awareness of the many elements that comprise our diverse American culture.~~

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~~A.——Treatment of Religion in the Curriculum~~

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~~Religious orientations and institutions have had a profound impact on human experience, past and present. An education excluding such a significant aspect would be incomplete. It is essential that the teaching about, and not of, religion be conducted in a factually objective and respectful manner.~~

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~~The practice of the South Orange Maplewood School District will be to:~~

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~~1. Permit the inclusion of religious literature, music, drama, dance and visual arts in the curriculum provided that it achieves specific goals of the written curriculum in the various fields of study; that it is presented objectively; and that it neither inhibits nor advances any religious point of view.~~

~~2. Accommodate student initiated expression in response to questions or assignments which reflect their beliefs or non-beliefs about religious themes. Students are free to express religious belief or non-belief in compositions, works of art, music, speech, and debate. Provisions should be made so that such expression is neither encouraged nor discouraged, but is handled in a courteous and respectful manner.~~

~~3. Only permit religious symbols to teach about historical or cultural context, not to promote or celebrate religious concepts, events, or holidays. Classroom use and/or display of religious symbols is permitted on a temporary basis as a teaching resource or aid only within the framework of the curriculum. The use and/or display of religious symbols should provide an environment whereby students of all faiths, beliefs, or nonbeliefs can participate without betraying their own faith or beliefs.~~

~~B. Treatment of Religious Holidays in Classrooms, School Buildings, Programs or Concerts~~

~~The practice of the South Orange Maplewood School District will be as follows:~~

~~1. Religious holidays are not to be celebrated in the schools, except in the form of the secular nature of that holiday. However, opportunities to learn about cultural and religious traditions should be provided within the framework of the curriculum. Information about religious and cultural holidays and traditions, focusing on how and when they are celebrated, their origins and histories may be part of this instruction.~~

~~2. In planning school activities related to the teaching about religious holidays or themes, special effort must be made to ensure the activity is not devotional and that students of all faiths and beliefs can join without feeling they are betraying their own faith or beliefs.~~

~~3. Decorations with religious significance are not permitted.~~



~~4. Religious music, like any other music, can only be used if it achieves specific goals of the music curriculum.~~

U.S. Const. Amend. 1

The Equal Access Act, 20 U.S.C. Section 4071

U.S. Department of Education - Guidance on Constitutionally Protected

Prayer and Religious Expression in in Public Elementary and Secondary Schools

May 15, 2023

N.J. Const. (1947) Art. 1, para. 4

N.J.S.A. 18A:35-4.6 et seq.; 18A:36-16

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Revised:

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Second Read:

