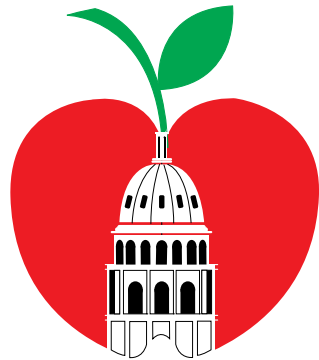


*Austin Independent School District*

**RELIGION**



**IN  
THE**

**SCHOOLS**

A GUIDE FOR TEACHERS, STUDENTS,  
ADMINISTRATORS, STAFF, PARENTS,  
AND THE COMMUNITY



**WRITTEN AND PUBLISHED  
BY THE  
AUSTIN INDEPENDENT  
SCHOOL DISTRICT**

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# STATEMENT OF PURPOSE

Every year, tens of thousands of parents from very diverse backgrounds entrust the education and well-being of their children to the Austin Independent School District. For this reason, everyone involved in the education of children – teachers, students, administrators, staff, parents, and the community – needs to understand the role of religion in public schools. That role is delineated by the First Amendment to the United States Constitution:

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of Grievances. U.S. Const. amend. I.*

The First Amendment to the U.S. Constitution forbids both establishment of a state-endorsed religion and interference with free exercise of an individually chosen religion. Because of this, public schools may neither support nor denigrate any religion.

It is the policy of the Austin Independent School District not to allow any activity or action that would give the appearance of school support or endorsement of religion in general or of a specific religion, and to support, as far as is reasonable, the free, private exercise of individual religious beliefs by students and staff.

Some may feel that the District's policies regarding religious matters are unwelcoming, even hostile to religion and those who hold religious beliefs. Others may feel that the District's policies do not go far enough to protect students from coercion toward any particular religious belief. In fact, the purpose of the District's policies is to convey the District's deep and abiding respect for the beliefs of all of its students and staff. Because the District serves students of every creed and none, it must never appear to coerce students toward any particular belief.

This handbook provides information meant to foster understanding, tolerance, respect, and appreciation for Austin's diverse population. The District's staff and students are expected to treat other students and staff alike with respect for and sensitivity to individual beliefs. These materials are intended to provide a basis for understanding, a reference for instructors and administrators planning for the classroom, and a guide for community groups who want to understand the necessary limits of the role of religion in public education.

The success of this handbook is dependent on all those involved in the education of children. With everyone's efforts, a positive and productive atmosphere will be cultivated, and everyone can appreciate the opportunities provided by the District's exciting classroom diversity. It is our hope that this handbook will facilitate the development of a better Austin where teachers, students, administrators, staff, parents, and the community learn to thrive in our pluralistic society by building on the strength of our differences.



# QUICK REFERENCE GUIDE



*Can an elementary school hold a Christmas, or holiday, concert? May schools teach about religion? Can a school include a Christmas tree in its holiday decorations? May students be excused from class for prayer? Can students express their personal religious beliefs in their school work? May students wear religious symbols in school? Should schools close for religious holidays?*



These questions—and many more—arise regularly in the public school context. Schools are places of learning, but education is not only what is learned from books. Attempts to make learning fun and to incorporate cultural, ethnic, or religious beliefs in the educational process may implicate First Amendment issues. Such situations may make educators and administrators understandably nervous.

Questions regarding religious matters or issues in the schools are addressed, in general, by District policies. However, individual situations frequently arise that are not specifically addressed in District policies. This Quick Reference Guide is intended to provide general guidance on topics of frequent interest.

For specific information and authority on an individual matter, please consult District policy (available at <http://www.tasb.org/policy/pol/private/227901/> and excerpted hereafter). If you have further questions or comments, speak with your school principal or contact the Office of the General Counsel at (512) 414-1706.

# PRAYER DURING THE SCHOOL DAY

*General Rule: It is unconstitutional for a public school to allow prayer in any circumstances that would create the appearance that the school was endorsing a particular religious position or belief.*

## **Prayer by School Personnel.**

*School personnel should maintain positions of neutrality concerning religion while acting in their official capacities as representatives of the state.*

Because school personnel, particularly instructors of elementary-aged children, are generally quite influential in developing the thoughts of children, it is important that school personnel avoid even the appearance of endorsing a particular religious position or belief on behalf of the school. Personnel should avoid publicizing their religious beliefs to students for this reason. If students inquire directly about a staff member's religious beliefs, staff may answer the question simply and briefly, but should avoid answering in a manner that could be construed as proselytizing.

Prayer and other religious observances should be performed in a place and manner outside the presence of students. School personnel may hold group meetings with a religious purpose, provided that they do so in their free time, outside the presence of students, and do not impose on non-participating employees.

Further, school personnel should be careful to avoid directing students in the practice of their religious beliefs. School personnel should neither encourage a student to engage in prayer nor discourage a student from engaging in non-disruptive prayer. School personnel should not influence the form or content of student prayer.

## **Prayer by Students.**

*Students may voluntarily pray, meditate, read the Bible, Quran, Torah, or any other holy text, and discuss religion in a private manner that does not disrupt instructional or other school activities.*

In general, a student may engage in private religious speech such as prayer to the same extent that he or she may engage in private nonreligious speech.

*Voluntary.* Students should not be forced to be a captive audience to or to participate in the prayer of another student or a staff member. Children and teenagers are particularly vulnerable to peer pressure; school staff should be sensitive to the possibility that a student may face ridicule or peer pressure because of different religious beliefs.

*Private.* Public schools shall not sponsor school prayer, including student-led prayer. Students speaking on behalf of the school are engaged in school-sponsored speech.



*Non-Disruptive.* A student may not choose to avoid active engagement in school activities in order to pray. Students may pray in groups, but may not do so in a disruptive manner. Reasonable accommodations should be made to allow a student to fulfill prayer obligations when doing so would not disrupt instructional activities or would not impose a material burden on other students.

For example, students whose religious obligations require that they pray during the school day may be provided with a quiet place to pray outside of instructional times. However, a teacher or other school personnel should not be responsible for seeing that a student fulfills prayer or other religious obligations.

## **Reciting the Pledges of Allegiance and Observing a Moment of Silence.**

*State law requires students to observe a minute of silence after the recitation of the pledges of allegiance; however, schools may not encourage or discourage religious activity or thought during this moment.*

Texas law requires students to recite the pledges of allegiance to the U.S. and Texas flags once during each school day. *Tex. Educ. Code § 25.082(b)*. The wording of the Texas state pledge of allegiance was changed during the 80<sup>th</sup> Texas Legislative Session to include the phrase “under God.”<sup>1</sup> Students may be excused from recitation of the pledge(s) of allegiance upon written request of a parent or guardian. *Tex. Educ. Code § 25.082(c)*.



Additionally, Texas law requires students to observe a minute of silence following the recitation of the pledges of allegiance. During this minute of silence, students may reflect, pray, meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. *Tex. Educ. Code § 25.082(d)*. Prayer or meditation cannot be encouraged over other silent thoughts or activities.

A suit challenging the constitutionality of the moment of silence requirement has been filed in the U.S. District Court for the Northern District of Texas in Dallas. *Croft v. Perry, Cause No. 3:07-CV-1362 (N.D. Tex. 2007)*. The Supreme Court has previously ruled that a state law requiring a moment of silence was unconstitutional because its sole purpose was to advance religion, as evidenced by the comments of the bill’s sponsor. *See Wallace v. Jaffree, 472 U.S. 38, 43 (1985)*.

However, two federal appellate courts have since ruled that a state law requiring a moment of silence, provided that the law has a secular purpose in addition to a religious purpose, is constitutional. *See Brown v. Gilmore, 258 F.3d 265 (4th Cir. 2001); Bown v. Gwinnett County School Dist., 112 F.3d 1464 (11th Cir. 1997)*. In the latter of those cases (*Gilmore*), the Supreme Court declined to interfere with the Appellate Court’s ruling. It is unlikely that the Supreme Court will revisit that decision in the near future. Thus, despite the recent challenge, the Texas state law requiring a moment of silence is likely to remain valid for the foreseeable future.

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<sup>1</sup> The Texas pledge is now: “Honor the Texas flag; I pledge allegiance to thee, Texas, *one state under God*, one and indivisible.” *Tex. Gov’t Code § 3100.101* (emphasis added).

# RELIGION IN THE CURRICULUM

*General Rule: It is unconstitutional for a public school to teach religion (or proselytize). A public school may teach **about** religion, as part of an otherwise secular curriculum. Public schools should be sensitive to differences in kind and degree of belief among students.*

## **Teaching About Religion.**

*A public school may not inculcate or disparage particular religious beliefs; however, a broad and well-developed education may include study of various religions.*

The study of religion as it relates to history, culture, literature, music, drama, and art is an appropriate element of school curriculum. Such programs can be a valuable tool for teaching values of tolerance and cultural understanding. The public school curriculum, including the study of religion, should be presented objectively and neutrally as part of a secular program of education. [For additional information on religion in the required curriculum, see *Teaching About Religion: TEKS Requirements* on p. 17.]

Instructors who wish to include the study of religion in the curriculum should be mindful of the role that educational instruction plays in helping to form children's opinions. Students, particularly younger students, are more susceptible to peer pressure and coercion than adults. Discussion of religious beliefs has the potential to alienate students of various backgrounds; instructors teaching about religion should be careful to adopt a neutral stance and avoid projecting their personal beliefs into classroom discussion. Instructors may also find it helpful to emphasize that religious liberty is a fundamental tenet of the American system of democratic government.

Instruction that promotes or denigrates religion in general, or a religion in particular, is not permissible. If a reasonable person would view the lesson as endorsing or denigrating religious beliefs, it may not be included in the curriculum.

[For additional information on teaching about religion, see *Board Policies EMI(LEGAL)* and *EMI(LOCAL)* (Miscellaneous Instructional Policies: Study of Religion), and *EMB(LEGAL)* and *EMB(LOCAL)* (Miscellaneous Instructional Policies: Teaching about Controversial Issues).]

## Expression of Religious Beliefs by Students.

*Students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).*

Because students retain their freedom of expression at school, they may include religious elements and express their religious beliefs in their schoolwork, as long as the work ultimately fulfills the purpose of the assignment. In evaluating student work, public school instructors must use secular academic standards. That is, grading of any student work should be based on the overall quality of the student work, as well as its responsiveness to the given assignment, regardless of any religious viewpoints that may or may not be expressed in the work.



According to state and federal law and District policy, a student’s voluntary expression of a religious viewpoint on an otherwise permissible subject must be treated in the same manner as a similar expression of a secular viewpoint on an otherwise permissible subject. Public school instructors and staff shall not discriminate against students for expressing religious views on otherwise permissible subjects. *See Policies EMI(LOCAL) and EMB(LOCAL).*

However, freedom of religious expression is not a free pass for students to express religious views whenever and however they like. Student religious expression must be on an “otherwise permissible” subject, and will be treated as if it were secular expression.

An “otherwise permissible” subject is one that is germane to the lesson and does not disrupt instructional activities. For instance, if in responding to an instructor’s query, a student gives a responsive answer that is also religious in tone, the student should not be reprimanded or otherwise punished. If the student’s response is not responsive to the question asked, the instructor may point out that the answer is not responsive. A student who interrupts a lecture, or otherwise disrupts the regular functioning of the classroom with a religious viewpoint may be reprimanded in the same manner any student interrupting or otherwise disrupting the class could be reprimanded.

Freedom of religious expression also does not allow students to harass other students. If a religious viewpoint expressed by a student appears intended to harass another student or students, the harasser may be reprimanded, as would any student harassing another student. If an instructor notes that the effect of a student’s expressed religious viewpoint may be to make other students feel harassed, it may be necessary to caution the student to consider his or her peers in choosing his or her words.

## Religious Texts in Public Schools.

*A well-rounded curriculum may include study of religious materials for their cultural, literary, and historical significance.*

Religious texts may be studied in public schools for their effects on Western culture, language, and literature, but should not be taught as doctrine. Public schools may choose to include examinations of the great works of multiple religions as a way of increasing understanding of the development of different world cultures and religions. Instructors using these works as instructional materials should be careful to be respectful, not only of the varied religious beliefs that may be held by students, but also of the varied familiarity that students may or may not have with the religious works used. Lessons involving the study of religious materials for their cultural worth should be optional for students.



A recently passed state law establishes elective courses in the Christian Bible as literature with a state-adopted curriculum. *See Tex. Educ. Code §§ 28.002(a), 28.011, 21.459.* Schools may continue to teach courses on the Bible as before, but in order for students to obtain state credit for the course, the course must utilize the state-adopted curriculum, and neither the instructor nor the Board may mandate that a particular translation of the Bible be used as a text for the course.

## Teaching Values.

*Values that are respected in our society may and should be taught in public schools.*

Though public schools may not teach religion, it is well within the educational mission to impart to students the values that are honored by society as a whole. Secular values such as honesty, courage, generosity, kindness, citizenship, or sportsmanship can and should be taught in public schools. That such values may also be propounded by various religions does not mean that public schools may not teach them, merely that schools and instructors should be careful to avoid relying on religious beliefs as a reason for adhering to the values.

The District has adopted the District character education Touchstone. *See EHBK Policies.* The entire campus should be involved in actively teaching, reinforcing, and modeling character skills in a positive learning environment. The Board of Trustees RESULTS Policy #6: Personal Development requires the active teaching of the district Touchstone character skills: Caring, Courage, Fairness, Honesty, Integrity, Perseverance, Respect, Responsibility, Self-Discipline, and Trustworthiness.

Character education holds, as a starting philosophical principle, that there are widely shared, pivotally important core theoretical values that form the basis of good character. A school committed to character education explicitly names and publicly stands for these values; promulgates them to all members of the school community; defines them in terms of behaviors that can be observed in the life of the school; models these values; studies and discusses them; upholds them by making all school members accountable to standards of conduct consistent with the core values. Good character consists of understanding, caring about, and acting upon core ethical values. *-Adapted from Likona, Schaps, & Lewis, Eleven Principles of Effective Character Education (2003), available at [www.character.org](http://www.character.org).*

# HOLIDAYS AND PUBLIC SCHOOLS

*General Rule: Public schools may, as part of the secular curriculum, **teach** students about religious holidays. However, it is unconstitutional for a public school to **celebrate** a religious holiday.*

## **Student Attendance.**

*Public school staff should be sensitive, as much as is practicable, to the differing requirements of students' religious beliefs.*

Under state law and local policy, students are excused from school attendance for observation of religious holy days, including days spent traveling for that purpose. *Tex. Educ. Code § 25.087(b); FEA(LEGAL)*. Students are required to make up within a reasonable period any work missed while absent from school to observe religious holy days.



**Instructors should avoid, to the extent practical, scheduling tests and other major curricular events on dates which coincide with religious observances.** [See Calendar, page 12] By doing so, they may reduce the need for students to make up critical assignments, and prevent the singling out of students who have “different” religious beliefs.

## **Staff Attendance.**

*District employees may take leave in order to participate in religious observances and practices, provided that such absences are not unreasonable or burdensome.*

Under state and federal law and local policy, District staff may not be penalized for being absent from duty for observation of religious holy days. *Tex. Educ. Code § 21.406; DEA(LEGAL)*. District Policy provides that the District will make reasonable accommodations for such requests, provided that the absences do not cause undue hardship on the conduct of District business. *Board Policy DEC(LEGAL)*.

Employee absences for religious holy days are unpaid, unless the employee utilizes available local leave. *DEC(LEGAL)*. Additionally, the District may not deny educational bonuses, or similar compensation, because of an employee's absence(s) for religious observances. *DEA(LEGAL)*.

## **Holiday Assemblies.**

*Public schools may present holiday programs in an objective manner as part of the secular educational curriculum.*

Public schools may present holiday programs, designed on the basis of their musical and educational value. Such programs must be presented in an objective and balanced manner. Instructors may take the opportunity to introduce students to the holiday traditions of multiple cultures, taking care to include any cultures or faiths included in the class or school. Holiday assemblies should include an oral or written introduction relating the presentation to classroom instructional activities required by the TEKS. *See, e.g., 19 TAC §§ 113.4(b)(15), 113.5(b)(14), 113.7(b)(22), 113.22(b)(18), 113.24(b)(27).* For information about religion-related TEKS requirements, see *Teaching About Religion: TEKS Requirements* on page 17.

## **Performances including Religious Songs or Themes.**

*Performances may include religious references and religious music as part of the secular program of instruction.*

Performances by public school groups, including public school choirs, bands, orchestras, or theater groups, should primarily be secular in nature. Public school performances may include religious music, themes, or references, if they enrich the curriculum. For instance, many great choral works are religious in nature; such works might be included in a course of musical instruction for their value as great works of music.



However, religious music may not be used for devotional purposes, and should not dominate a program of instruction, or school activities. Also note that the U.S. 5<sup>th</sup> Circuit Court of Appeals has found that forbidding the use of religious music in choral instruction is hostile to religion. *Doe v. Duncanville Independent School Dist.*, 70 F.3d 402 (5th Cir. 1995).

## **Religious Displays.**

*Religious or denominational decorations should not be displayed in a classroom or on a campus unless it is integrated into, and being used for, the teaching of a secular curriculum.*

In general, religious or denominational decorations or texts should not be displayed in public schools or classrooms, unless they are part of the secular curriculum and are temporary. Seasonal decorations that may also have a religious meaning (e.g., Santa Claus, Easter eggs, Halloween decorations) may be displayed, provided the decorations acknowledge seasonal celebrations without endorsing any particular faith or religious belief in general. This may require that equal attention be given to numerous faiths and their traditions. Additionally, seasonal decorations with religious themes should be dismantled and removed within a reasonable period of time, e.g., a few days after the lesson is taught or the holiday has passed.

## Teaching About Religious Holidays.

*Public school instructors may teach about religious holidays as they relate to history, culture, literature, music, drama, and art, as part of a secular curriculum.*

Young children, especially, may benefit from instructional presentations designed to increase knowledge and understanding of the holiday traditions of various religions. Instructors should be careful to avoid proselytizing for or against religions during discussions of religious holidays. Further, an instructor creating a lesson plan about religious holidays should attempt to provide a balanced and thoughtful presentation of different religious holidays. An instructor should not focus attention on students by asking them to explain their own religious beliefs or holiday practices, though students may volunteer this information if they like.

TEACHING ABOUT RELIGIOUS HOLIDAYS: TEKS REQUIREMENTS			
<i>Kindergarten</i>	The student understands that holidays are celebrations of special events. The student is expected to explain the reasons for national patriotic holidays such as Presidents' Day and Independence Day; and identify customs associated with national patriotic holidays such as parades and fireworks on Independence Day. <i>19 TAC § 113.2(b)(1).</i>	<i>Fourth</i>	The student understands the contributions of people of various racial, ethnic, and religious groups to Texas. The student is expected to... identify customs, celebrations, and traditions of various culture groups in Texas; and summarize the contributions of people of various racial, ethnic, and religious groups in the development of Texas. <i>19 TAC §113.6(b)(20).</i>
<i>First</i>	The student understands the origins of customs, holidays, and celebrations. The student is expected to describe the origins of selected customs, holidays, and celebrations of the community, state, and nation such as Martin Luther King, Jr. Day, Independence Day, and Veterans' Day; [and] compare the observance of holidays and celebrations, past and present. <i>19 TAC § 113.3(b)(2).</i>	<i>Fifth</i>	The student understands the contributions of people of various racial, ethnic, and religious groups to the United States. The student is expected to... describe customs, celebrations, and traditions of selected racial, ethnic, and religious groups in the United States; and summarize the contributions of people of selected racial, ethnic, and religious groups to our national identity. <i>19 TAC §113.7(b)(23).</i>
<i>Second</i>	The student understands the historical significance of... celebrations in the community, state, and nation. The student is expected to explain the significance of various community, state, and national celebrations such as Memorial Day, Independence Day, and Thanksgiving.... <i>19 TAC §113.4(b)(1).</i>	<i>Sixth</i>	The student understands the relationships among religion, philosophy, and culture. The student is expected to explain the significance of religious holidays and observances such as Christmas and Easter, Ramadan, and Yom Kippur and Rosh Hashanah in selected contemporary societies. <i>19 TAC § 113.22(b)(19)(B).</i>
<i>Third</i>	The student understands ethnic and/or cultural celebrations of the United States and other nations. The student is expected to explain the significance of selected ethnic and/or cultural celebrations in Texas, the United States, and other nations such as St. Patrick's Day, Cinco de Mayo, and Kwanzaa; and compare ethnic and/or cultural celebrations in Texas, the United States, and other nations. <i>19 TAC §113.5(b)(12).</i>	<i>Seventh</i>	The student understands the concept of diversity within unity in Texas. The student is expected to explain how the diversity of Texas is reflected in a variety of cultural activities, celebrations, and performances; [and] describe how people from selected racial, ethnic, and religious groups attempt to maintain their cultural heritage while adapting to the larger Texas culture.... <i>19 TAC §113.23(b)(19).</i>

This table contains TEKS specific to the teaching of religious holidays and celebrations. For more general information about TEKS curriculum requirements, please see *Teaching About Religion: TEKS Requirements* on p. 17.

# EXTRACURRICULARS & STUDENT RIGHTS

*General Rule: Public schools should not unnecessarily infringe on students' rights of free speech, expression, or assembly.*

## **Religious Services or Prayer at Ceremonies and Sporting Events.**

*The District will not sponsor the delivery of prayer at school events.*

The “Religious Viewpoint Anti-Discrimination Act,” (“RVAA”) passed during the 80<sup>th</sup> Texas Legislative Session, requires school districts to create or amend policies establishing a limited public forum for all student speakers at all school events at which a student will speak publicly. *See Tex. Educ. Code §§ 25.151-25.156.* Schools



are prohibited from discriminating against student viewpoints on otherwise permissible subjects on the basis of religion, and are required to use neutral criteria and method for selection of student speakers at events, prohibit obscene, vulgar, offensively lewd, or indecent speech, and provide a written or oral disclaimer that the student’s speech does not reflect the position of the district. *Id.*

The District believes that current practice is in compliance with this law, and has amended District policy to reflect both current practice and the requirements of the RVAA, as well as the U.S. Constitution. The amended policies will provide for a limited public forum for events, including commencement ceremonies, at which a student speaker will publicly speak. *See Policies FMH(LOCAL) and FNA(LOCAL).* The policies will also allow selection of student speakers based on neutral criteria, provide certain content limitations as allowed under current constitutional case law, and require a disclaimer at events at which a student will publicly speak.

However, based on the Supreme Court holding in *Santa Fe ISD v. Doe*, even the delivery of nonsectarian, nonproselytizing invocations or benedictions by student volunteers may violate the Anti-Establishment Clause of the Constitution. *530 U.S. 290 (2000)*. The Supreme Court has expressed concern that students may feel pressure from their peers to take part in such prayers in order to take part in the high school experience. Because of this, District schools should be careful to avoid the appearance of sponsoring or endorsing a religious belief or position.

Note that, as in the classroom context, students retain their freedom of religious expression. Students may choose, voluntarily and in a non-disruptive manner, to pray at school events individually or in groups; however, schools should avoid appearing to sponsor the prayer. For this reason, employees should not participate in student prayer.

## Private Baccalaureate Services.

*Schools may permit private baccalaureate services to take place on school grounds in accordance with District Policy GKD, which provides for nonschool use of school facilities.*

District schools may not sponsor private baccalaureate services. However, non-school organizations may use District facilities, as provided by District policy GKD, to hold private baccalaureate services. District schools and facilities may not discriminate against religious groups on the basis of their religious views, affiliations, or purpose in approving use of District facilities.

District employees retain their free right of association, and may voluntarily choose to appear in their private capacity at baccalaureate services. In accordance with Board Policy DGA(LOCAL), employee attendance or participation at a private baccalaureate service may not be compelled. Employees who do choose to participate in or attend private baccalaureate services should take care to avoid appearing to officially represent the District or of encouraging or discouraging students to attend.

## Student Groups.

*Student groups meeting in accordance with District policy may engage in prayer and other worship exercises to the same extent that they may engage in nonreligious activities.*

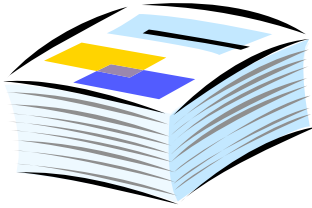
A secondary school that allows any noncurriculum-related student groups to meet on school premises during noninstructional time has established a **limited open forum** pursuant to the federal Equal Access Act. The District has established a limited open forum in all District secondary schools. A school with a limited open forum may not deny equal access to, a fair opportunity to, or discriminate against, any **non-curricular student** groups who wish to conduct a meeting within the limited open forum on the basis of the religious, political, philosophical, or other content of speech anticipated at group meetings.



Meetings of noncurriculum-related student groups must be voluntary and student-initiated. They may not be sponsored by the school or led or promoted by school personnel. School employees may attend meetings of noncurriculum-related groups only in a nonparticipatory capacity, for the limited purpose of maintaining order and discipline, protecting the well-being of students and faculty, and to assure that student attendance is entirely voluntary. See Policy FNAB(LEGAL). Funds beyond the incidental cost of providing space for student-initiated meetings may not be expended by the District to support related activities. Noncurriculum-related group activities may not be directed, conducted, controlled, or regularly attended by nonschool persons (*i.e.*, persons other than students and personnel).

## **Distribution of Written Religious Materials by Students.**

*Students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).*



In general, students may distribute written materials with religious references during non-curricular time to the same extent that they may distribute written materials that do not contain religious references during non-curricular time. Schools may require non-school materials to include a disclaimer of school sponsorship, provided that the disclaimer applies equally to all non-school materials, and is not discriminatory.

Materials distributed to students as part of the curriculum are school-sponsored speech, and so should not include messages that either endorse or denigrate a specific religion or religion in general over atheism or agnosticism.

## **Dress Codes.**

*Schools may promulgate dress code rules for students, but should avoid rules that specifically prohibit or infringe on students' right to expression via the wearing of religious attire or symbols.*

Austin ISD has promulgated a district-wide dress code to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority. *See FNCA Policies.* Individual schools may adopt a more specific campus-wide dress code after review and with approval by their campus advisory council and associate superintendent. Formal uniforms may be required, but only with Board approval. In adopting specific dress code or uniform requirements, campus administrators should be sensitive to any religious customs and beliefs of the community that may affect students' wardrobe preferences or requirements.

Dress codes or uniform requirements may not specifically ban the wearing of religious symbols. If a dress code rule or uniform requirement has the effect of banning the wearing of religious attire or religious symbols, exceptions should be made by school personnel for students who wish to observe religious customs or beliefs. *See FNCA(REGULATION).*

A school wishing to adopt a dress code or impose uniform requirements is strongly encouraged to consult with the District's Office of the General Counsel well in advance of undertaking any action to provide for smooth implementation.

# CALENDAR OF RELIGIOUS OBSERVANCES

## School Year 2010-2011

The calendar of religious observances lists holy days recognized by various religious organizations for special observances. However, the calendar is not intended to serve as an official, exhaustive, or definitive listing of holy days, or as a school calendar. It should be used, instead, as a tool to guide instructors and administrators in their planning.

Individuals of any particular faith may vary widely in their practices and observances, due to differing interpretations or preferences. Depending on an individual's personal choices and beliefs, he or she may be absent from school for all or none of the holidays indicated below for his or her religious group.

Date	Day	Name of Holiday	Religion
Aug. 11, 2010	Saturday	Ramadan (Beginning) *	Islam
Sep. 2, 2010	Thursday	Krishna Janmashtami	Hindu
Sep. 9-10, 2010	Thurs.-Fri.	Rosh Hashanah *	Jewish
Sep. 10, 2010	Friday	Eid al Fitr (Ramadan ends)	Islam
Sep. 12, 2010	Sunday	Paryushana Parva	Jain
Sep. 18, 2010	Saturday	Yom Kippur *	Jewish
Sep. 23, 2010	Thursday	Fall Equinox (Mabon) *	Wiccan
Sep. 23, 2010	Thursday	Sukkoth *	Jewish
Sep. 30, 2010	Thursday	Sh'mini Atzeret *	Jewish
Oct. 1, 2010	Friday	Simchat Torah *	Jewish
Oct. 17, 2010	Sunday	Dasera	Hindu
Oct. 20, 2010	Wednesday	Birth of the Bab	Baha'i
Nov. 1, 2010	Monday	Samhain *	Wiccan
Nov. 5, 2010	Saturday	Diwali (Deepavali)	Hindu, Sikh, Jain
Nov. 12, 2010	Friday	Birth of Baha'u'llah *	Baha'i
Nov. 16, 2010	Tuesday	Eid al-Adha *	Islam
Nov. 21, 2010	Sunday	Birthday of Guru Nanak Dev Sahib	Sikh
Dec. 2, 2010	Thursday	Hanukkah (Chanukah) (1st Day)*	Jewish
Dec. 8, 2010	Friday	Bodhi Day	Buddhist

\*Holy days identified with asterisks start at sundown on previous day.

Dec. 7, 2010	Tuesday	Muharram (New Year)*	Islam
Dec. 9, 2010	Thursday	Hanukkah (Chanukah) (Last Day)*	Jewish
Dec. 21, 2010	Tuesday	Winter Solstice (Yule) *	Wiccan
Dec. 25, 2010	Saturday	Christmas	Christian
Dec. 26, 2010	Sunday	Kwanzaa (Beginning)	Interfaith/African-American
Jan. 1, 2011	Saturday	Gantan-sai (New Year)	Shinto
Jan. 7, 2011	Friday	Christmas	Orthodox Christian
Mar. 7, 2011	Monday	Beginning of Lent (Clean Monday)	Orthodox Christian
Mar. 9, 2011	Wednesday	Ash Wednesday	Christian
Mar. 19, 2011	Saturday	Magha Puja Day	Buddhist
Mar. 20, 2011	Sunday	Spring Equinox (Ostara) *	Wiccan
Mar. 20,2011	Sunday	Naw-Ruz (New Year) *	Baha'i, Zoroastrian
Mar. 20, 2011	Sunday	Purim *	Jewish
Apr. 14, 2011	Thursday	Baisakhi (Vaisakhi)	Sikh
Apr. 17, 2011	Sunday	Palm Sunday	Christian
Apr. 19, 2011	Tuesday	Passover (1st Day) *	Jewish
Apr. 22, 2011	Friday	Good Friday (Holy Friday)	Christian
Apr. 22, 2011	Friday	Holy Friday	Orthodox Christian
Apr. 24, 2011	Sunday	Easter	Christian
Apr. 24, 2011	Sunday	Easter (Pascha)	Orthodox Christian
Apr. 26, 2011	Tuesday	Passover (Last Day) *	Jewish

\*Holy days identified with asterisks start at sundown on previous day.

Apr. 21, 2011	Thursday	Ridvan Festival (Beginning)*	Baha'i
May 1, 2011	Sunday	Beltane *	Wiccan
May 17, 2011	Tuesday	Wesak (Buddha Day)	Buddhist
May 23, 2011	Monday	Declaration of the Bab*	Baha' i
May 29, 2011	Sunday	Ascension of the Baha'u'llah *	Baha'i

\*Holy days identified with asterisks start at sundown on previous day.

# OVERVIEW OF RELIGIOUS PRACTICES

The following information is intended to increase awareness of religious practices that may impact the school day. Adherence to religious requirements is the responsibility of the student and the parent, rather than the public school; however, awareness of various practices may better allow students to freely practice their religion when doing so does not disrupt normal classroom operations. In rare cases, it may be impossible to grant accommodations for practical or constitutional reasons. Please contact the school principal to address specific concerns.

The items listed are general in nature and not intended to be a definitive listing of religious practices nor a listing of all religions. Some religions may require adherence to the strictures while others may permit adherents to make individual decisions regarding religious practices; however, the word “may” has been used throughout to avoid proscriptive statements.

Atheism	<ul style="list-style-type: none"> <li>• Student may decline to participate in Pledge of Allegiance, or in holiday concerts and performances.</li> </ul>
Baha'i	<ul style="list-style-type: none"> <li>• Students 15 years and older may refrain from eating or drinking during school hours between March 2-20.</li> <li>• Students may be absent or may refrain from doing ordinary work on certain holy days.</li> </ul>
Buddhism	<ul style="list-style-type: none"> <li>• Students may be vegetarians; some may abstain from dairy products or eggs.</li> <li>• Students may object to participation in dissection of animals and insects.</li> </ul>
Christian Science	<ul style="list-style-type: none"> <li>• Students may refrain from medical tests and treatment, including physical exams, vision, hearing, and intelligence tests.</li> <li>• Students may be exempt from inoculations, vaccinations.</li> </ul>
Church of Jesus Christ of the Latter Day Saints (Mormons)	<ul style="list-style-type: none"> <li>• Students may refrain from drinking caffeinated beverages.</li> </ul>
Eastern Orthodox	<ul style="list-style-type: none"> <li>• Students may fast or abstain from certain foods, such as meat and dairy products, either prior to or on feast days.</li> <li>• Students may attend services on their nameday to celebrate the Saint whose name they bear.</li> </ul>
Hare Krishna	<ul style="list-style-type: none"> <li>• Students may avoid animal-derived medications.</li> <li>• Students may be vegetarians.</li> <li>• Male students may have small tail of hair at back of the head (Sitka).</li> </ul>

Hinduism	<ul style="list-style-type: none"> <li>• Students may be strict vegetarians.</li> <li>• Students may have a mark on the forehead from morning worship.</li> </ul>
Islam	<ul style="list-style-type: none"> <li>• Students may require physical examinations to be performed by physician of the same sex.</li> <li>• Students may avoid injections during Ramadan.</li> <li>• Students may have dietary restrictions, including ritual slaughter and a prohibition on pork.</li> <li>• Students may wear modest clothing; female students may cover all except face, hands, and feet.</li> <li>• Students may need quiet places to perform daily prayers occurring five times throughout the day. Males may need quiet places for weekly Friday noon prayers.</li> </ul>
Jain Society Temple	<ul style="list-style-type: none"> <li>• Students may abstain from eating root plants, may be vegetarians, and may fast to various extents.</li> <li>• Students may object to participation in dissection of animals and insects.</li> </ul>
Jehovah's Witness	<ul style="list-style-type: none"> <li>• Parents may request that blood transfusions not be given.</li> <li>• Students may be prohibited from participation in displays of nationalism (<i>e.g.</i>, salute to the flag, Pledge of Allegiance, singing of national anthems, voting).</li> <li>• Students may avoid participation in religious or national holiday celebrations.</li> <li>• Students may avoid participation in extracurricular activities and clubs.</li> </ul>
Judaism	<ul style="list-style-type: none"> <li>• Male students may wear a skullcap and/or a fringed undergarment; female students may wear clothing that covers arms and legs.</li> <li>• Students may refrain from working on Friday evenings and Saturdays before sundown.</li> <li>• Students may avoid participating in programs affirming religious positions that differ from their own.</li> <li>• Students may have dietary restrictions, including kosher foods and ritual slaughter. Students may be prohibited from eating shellfish, fish that do not have scales, and pork. They may also avoid leavened foods such as bread during Passover, and may fast on other holidays.</li> </ul>
Native American Religions	<ul style="list-style-type: none"> <li>• Students may attend religious healing ceremonies with their parents.</li> <li>• Male students may wear hair long. Older students may wear medicine bags.</li> <li>• Practices and observances vary from tribe to tribe.</li> </ul>

Protestant Christian Religions, Various	<ul style="list-style-type: none"> <li>• Students of the various Protestant Christian denominations (including Baptists, Episcopalians, Evangelicals, Lutherans, Methodists, Presbyterians, and others) have beliefs and practices that are culturally predominant and are, therefore, generally accommodated for by public schools. For example, many students practice family worship on Sundays.</li> <li>• Some students may worship on Wednesday evenings, which may conflict with some extracurricular activities.</li> </ul>
Roman Catholic	<ul style="list-style-type: none"> <li>• Students may avoid instruction related to contraception.</li> <li>• Students over 14 may abstain from eating meat on Fridays during Lent, and may fast on Ash Wednesday and/or Good Friday.</li> <li>• Students may have ash markings on the forehead on Ash Wednesday.</li> <li>• Students may make a sign of the cross as a prayer, petition, or act of thanksgiving.</li> </ul>
Seventh Day Adventists	<ul style="list-style-type: none"> <li>• Students may be prohibited from eating pork or pork products.</li> <li>• Students may be vegetarians.</li> <li>• Students may wear modest clothing.</li> <li>• Students may avoid participation in school events on Friday nights.</li> </ul>
Sikh	<ul style="list-style-type: none"> <li>• Male students may wear turbans or other head coverings.</li> </ul>
Unitarian Universalist	<ul style="list-style-type: none"> <li>• Students may avoid participating in public prayer or meditation during the school day.</li> <li>• Students may avoid saluting or pledging allegiance.</li> </ul>
Wiccan	<ul style="list-style-type: none"> <li>• Students may wear jewelry or charms displaying pentagrams, natural forms, or crystals.</li> <li>• Students may be vegetarian.</li> </ul>
Zoroastrian	<ul style="list-style-type: none"> <li>• Students may wear muslin undershirts with wool cords at the waist.</li> </ul>



# TEACHING ABOUT RELIGION: TEKS REQUIREMENTS

## **KINDERGARTEN (§113.2(B))**

*History.* The student understands that holidays are celebrations of special events. The student is expected to explain the reasons for national patriotic holidays such as Presidents' Day and Independence Day; and identify customs associated with national patriotic holidays such as parades and fireworks on Independence Day.

## **FIRST GRADE (§113.3(B))**

*History.* The student understands the origins of customs, holidays, and celebrations. The student is expected to describe the origins of selected customs, holidays, and celebrations of the community, state, and nation such as Martin Luther King, Jr. Day, Independence Day, and Veterans' Day; compare the observance of holidays and celebrations, past and present; and identify anthems and mottoes of the United States and Texas.

*Culture.* The student understands the importance of family beliefs, customs, language, and traditions. The student is expected to describe various beliefs, customs, and traditions of families and explain their importance; and retell stories from selected folktales and legends such as Aesop's fables.

## **SECOND GRADE (§113.4(B))**

*History.* The student understands the historical significance of landmarks and celebrations in the community, state, and nation. The student is expected to explain the significance of various community, state, and national celebrations such as Memorial Day, Independence Day, and Thanksgiving....

## **THIRD GRADE (§113.5(B))**

*Culture.* The student understands ethnic and/or cultural celebrations of the United States and other nations. The student is expected to explain the significance of selected ethnic and/or cultural celebrations in Texas, the United States, and other nations such as St. Patrick's Day, Cinco de Mayo, and Kwanzaa; and compare ethnic and/or cultural celebrations in Texas, the United States, and other nations.

## **FOURTH GRADE (§113.6(B))**

*Culture.* The student understands the contributions of people of various racial, ethnic, and religious groups to Texas. The student is expected to identify the similarities and differences within and among selected racial, ethnic, and religious groups in Texas; identify customs, celebrations, and traditions of various culture groups in Texas; and summarize the contributions of people of various racial, ethnic, and religious groups in the development of Texas.

## **FIFTH GRADE (§113.7(B))**

*Culture.* The student understands the contributions of people of various racial, ethnic, and religious groups to the United States. The student is expected to identify the similarities and differences within and among selected racial, ethnic, and religious groups in the United States; describe customs, celebrations, and traditions of selected racial, ethnic, and religious groups in the United States; and summarize the contributions of people of selected racial, ethnic, and religious groups to our national identity.

## **SIXTH GRADE (§113.22(B))**

*Culture.* The student understands the similarities and differences within and among cultures in different societies. The student is expected to define the concepts of culture and culture region; describe some traits that define cultures; analyze the similarities and differences among selected world societies; and identify and explain examples of conflict and cooperation between and among cultures within selected societies such as Belgium, Canada, and Rwanda.

*Culture.* The student understands the relationships among religion, philosophy, and culture. The student is expected to explain the relationship among religious ideas, philosophical ideas, and cultures; and explain the significance of religious holidays and observances such as Christmas and Easter, Ramadan, and Yom Kippur and Rosh Hashanah in selected contemporary societies.

## **SEVENTH GRADE (§113.23(B))**

*History.* The student understands how individuals, events, and issues prior to the Texas Revolution shaped the history of Texas. The student is expected to compare the cultures of Native Americans in Texas prior to European colonization; identify important individuals, events, and issues related to European exploration and colonization of Texas, including the establishment of Catholic missions... and contrast Spanish and Anglo purposes for and methods of settlement in Texas.

*Culture.* The student understands the concept of diversity within unity in Texas. The student is expected to explain how the diversity of Texas is reflected in a variety of cultural activities, celebrations, and performances; [and] describe how people from selected racial, ethnic, and religious groups attempt to maintain their cultural heritage while adapting to the larger Texas culture....

## **EIGHTH GRADE (§113.24(B))**

*History.* The student understands the foundations of representative government in the United States. The student is expected to explain the reasons for the growth of representative government and institutions during the colonial period... and describe how religion contributed to the growth of representative government in the American colonies.

*Culture.* The student understands the relationships between and among people from various groups, including racial, ethnic, and religious groups, during the 17th, 18th, and 19th centuries. The student is expected to identify selected racial, ethnic, and religious groups that settled in the United States and their reasons for immigration; explain the relationship between urbanization and conflicts resulting from differences in religion, social class, and political beliefs; identify ways conflicts between people from various racial, ethnic, and religious groups were resolved; [and] analyze the contributions of people of various racial, ethnic, and religious groups to our national identity....

*Culture.* The student understands the impact of religion on the American way of life. The student is expected to trace the development of religious freedom in the United States; describe religious influences on immigration and on social movements, including the impact of the first and second Great Awakenings; and analyze the impact of the first amendment guarantees of religious freedom on the American way of life.

## **UNITED STATES HISTORY SINCE RECONSTRUCTION (§113.32(C))**

*Culture.* The student understands how people from various groups, including racial, ethnic, and religious groups, adapt to life in the United States and contribute to our national identity. The student is expected to explain actions taken by people from racial, ethnic, and religious groups to expand economic opportunities and political rights in American society; explain efforts of the Americanization movement to assimilate immigrants into American culture; [and] analyze how the contributions of people of various racial, ethnic, and religious groups have helped to shape the national identity....

## WORLD HISTORY STUDIES (§113.33(c))

*History.* The student understands how, as a result of the collapse of the Western Roman Empire, new political, economic, and social systems evolved, creating a new civilization in Western Europe. The student is expected to compare medieval Europe with previous civilizations; describe the major characteristics of the political system of feudalism, the economic system of manorialism, and the authority exerted by the Roman Catholic Church; and identify the political, economic, and social impact of the Crusades.

*Culture.* The student understands the history and relevance of major religious and philosophical traditions. The student is expected to compare the historical origins, central ideas, and the spread of major religious and philosophical traditions including Buddhism, Christianity, Confucianism, Hinduism, Islam, and Judaism; and identify examples of religious influence in historic and contemporary world events.

*Culture.* The student understands how the development of ideas has influenced institutions and societies. The student is expected to summarize the fundamental ideas and institutions of Eastern civilizations that originated in China and India; summarize the fundamental ideas and institutions of Western civilization that originated in Greece and Rome; and analyze how ideas such as Judeo-Christian ethics and the rise of secularism and individualism in Western civilization, beginning with the Enlightenment, have influenced institutions and societies.

## WORLD GEOGRAPHY STUDIES (§113.34(c))

*Culture.* The student understands the distribution, patterns, and characteristics of different cultures. The student is expected to describe and compare patterns of culture such as language, religion, land use, systems of education, and customs that make specific regions of the world distinctive; and compare economic opportunities in different cultures for women and religious minorities in selected regions of the world.

## SOCIOLOGY (§113.37(c))

*Government.* The student understands different styles and forms of leadership, political socialization, and communication techniques that influence perception, attitudes, and behavior. The student is expected to... analyze the relationship among social class, racial, ethnic, and other culture group membership, and political power in the United States....

*Culture.* The student understands how people develop social institutions to meet basic needs in a society. The student is expected to summarize the functions of social institutions such as the family, religion, and education; and evaluate the importance of social institutions in the United States.



# DISTRICT POLICY

## **Miscellaneous Instructional Policies: Study of Religion**

**EMI(LEGAL)**

### SECULAR PROGRAM

The District may instruct students in the study of comparative religion or the history of religion and its relationship to the advancement of civilization; the study of the Bible or of religion for its literary and historic qualities, when presented objectively as part of a secular program of education, is consistent with the First Amendment. *School Dist. of Abington v. Schempp*, 374 U.S. 203, 83 S. Ct. 1560 (1963).

### ACADEMIC FREEDOM

The District shall not require teaching and learning to be tailored to the principles or prohibitions of any religious sect or dogma. The District shall not adopt programs or practices that aid or oppose any religion. *Epperson v. Arkansas*, 393 U.S. 97, 89 S. Ct. 266 (1968) (holding unconstitutional a prohibition against teaching evolution); *Edwards v. Aguillard*, 482 U.S. 578, 107 S. Ct. 2573 (1987) (holding unconstitutional a requirement that creationism be taught with evolution).

### RELIGIOUS EXERCISES

The District shall not prescribe a religious exercise as part of the curricular activities of students even if the religious exercise is denominationally neutral or its observance on the part of the students is voluntary. *School Dist. of Abington v. Schempp*, 374 U.S. 203, 83 S. Ct. 1560 (1963) (holding unconstitutional a requirement of daily Bible readings and recitation of the Lord's Prayer); *Engel v. Vitale*, 370 U.S. 421, 82 S. Ct. 1261 (1962) (holding unconstitutional required recitation of state-adopted prayer).

**EMI(LOCAL)**

### TEACHING ABOUT RELIGION

The inclusion of religion in the study of history, culture, literature, music, drama, and art is essential to a full and fair presentation of the curriculum. The inclusion of religious elements is appropriate as long as the material included is intrinsic to the field of study in which it is presented and as long as it is presented objectively.

The District's approach to teaching about religion shall be academic, not devotional. Emphasis on religious themes in the arts, literature, and history shall be only as extensive as necessary for a balanced and thorough study of these areas. Such studies shall not foster any particular religious tenet nor demean any religious beliefs, but shall attempt to develop mutual respect among students and advance their knowledge and appreciation of the role that religious heritage plays in the social, cultural, and historic development of civilization.

## RELIGIOUS TEXTS

Use of religious texts in instruction shall be guided by the principles set forth above. Other than texts used in an appropriate course of study, the District shall not distribute religious texts or materials to students. Such materials may be indexed, shelved, and circulated as library materials. [See FNAA regarding student distribution of nonschool literature and GKDA regarding nonstudent distribution of nonschool literature.]

## RELIGIOUS MUSIC

District music groups may perform or receive instruction regarding religious music as part of the secular program of instruction. The primary purpose of the inclusion of religious music in performances or instruction shall be academic, not devotional. Performances and instruction shall reflect religious diversity when appropriate.

## RELIGIOUS SYMBOLS

Religious symbols may be displayed as a teaching aid. Their display shall be temporary and limited to specific teaching activities; such displays shall not be permitted for devotional purposes.

## RELIGIOUS ELEMENTS IN STUDENT WORK

Students may choose to include religious elements in their schoolwork, such as papers, presentations, or artwork. A student's voluntary expression of religious viewpoint on an otherwise permissible subject shall be treated in the same manner as a similar expression of a secular or other viewpoint. Students' work must fulfill the purpose of the assignment and shall be evaluated by secular academic standards. Students shall be neither rewarded nor punished for expressing their religious viewpoints in their work.

## **Miscellaneous Instructional Policies: Teaching about Controversial Issues** EMB(LEGAL)

### EXEMPTION FROM INSTRUCTION

A parent or person standing in parental relation may remove the parent's child from a class or other school activity that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the class or other school activity.

### LIMITATIONS

A parent or person standing in parental relation is not entitled to remove the parent's child from a class or other school activity to avoid a test or to prevent the child from taking a subject for an entire semester. This policy does not exempt a child from satisfying grade level or graduation requirements in a manner acceptable to the District and TEA. *Tex. Educ. Code §§ 26.002, 26.010.*

The District shall address controversial topics in an impartial and objective manner. Teachers shall not use the classroom to transmit personal beliefs regarding political or sectarian issues. Students and educators shall ensure that, to the extent possible, discussions are conducted fairly and courteously.

## SELECTION OF TOPICS

A teacher selecting topics for discussion in the classroom shall be adequately informed about the issue and capable of providing instruction on the subject, free from personal bias. In addition, the teacher shall be certain that:

1. The issue in question is within the range, knowledge, maturity, and comprehension of the students.
2. The issue is current and educationally significant.
3. The consideration of the issue does not interfere with required instruction.
4. Sufficient relevant information on all aspects of the issue is provided.

If a teacher is unsure about a topic of discussion or about the methods to employ, the teacher may discuss the issue with the principal.

## CLASSROOM DISCUSSION

In guiding classroom discussion of controversial issues, teachers shall:

1. Foster students' critical thinking skills.
2. Encourage discussion based on rational analysis.
3. Create an atmosphere in which students learn to respect others' opinions and disagree courteously.
4. Ensure that multiple viewpoints about the issue are presented by introducing an unexpressed viewpoint when necessary.
5. Avoid any attempt to coerce or persuade students to adopt the teacher's point of view.

## STUDENT EXPRESSION

Students may express their viewpoints during classroom discussion or in assigned work. A student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject shall be treated in the same manner as a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject. Students shall not be discriminated against based on the religious content of their viewpoints.

Instructors may prohibit student expression that:

1. Is irrelevant or inappropriate to the subject under discussion or assigned;
2. Is obscene, vulgar, offensively lewd, or indecent;
3. Creates reasonable cause to believe that the speech would result in material and substantial interference with school activities or the rights of others;
4. Promotes illegal drug use;
5. Violates the intellectual property rights, privacy rights, or other rights of another person;
6. Advocates imminent lawless action and is likely to incite or produce such action; or
7. Violates state or federal law or any provision of the United States Constitution.

## STUDENT OR PARENT CONCERNS

A student or parent with concerns regarding instruction about controversial issues shall be directed to the complaint policy at FNG.

## **Special Programs: Other Instructional Initiatives**

*Excerpted from EHBK(LEGAL)*

### CHARACTER EDUCATION

The District may provide a character education program, which must:

1. Stress positive character traits, such as:
  - a. Courage;
  - b. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
  - c. Integrity;
  - d. Respect and courtesy;
  - e. Responsibility, including accountability, diligence, perseverance, and self-control;
  - f. Fairness, including justice and freedom from prejudice;
  - g. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
  - h. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law; and
  - i. School pride;
2. Use integrated teaching strategies; and
3. Be age appropriate.

In developing or selecting a character education program under this section, the District shall consult with a committee selected by the District that consists of parents of District students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief. *Tex. Educ. Code § 29.906.*

## **Equal Educational Opportunities**

*Excerpted from FB(LEGAL)*

### RELIGIOUS FREEDOM

The District may not substantially burden a student's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003.* [See also DAA and GA.]

## **Attendance: Compulsory Attendance**

*Excerpted from FEA(LEGAL)*

### EXCUSED ABSENCES—HOLY DAYS

The District shall excuse a student from attending school for the purpose of observing religious holy days, including traveling for that purpose. Excused days for travel shall be limited to not more than one day for travel to and one day for travel from the site where the student will observe the religious holy days.

[See FEA(LEGAL) for attendance exemptions not related to the observance of holy days.]

## **Attendance: Attendance Accounting**

*Excerpted from FEB(LEGAL)*

### EXCEPTIONS

A student not actually on campus at the time attendance is taken may be considered in attendance for Foundation School Program purposes if:

4. The student is observing holy days, including days of travel to or from a site where the student will observe holy days. Excused days for travel shall be limited to not more than one day for travel to and one day for travel from the site where the student will observe the religious holy days.

[See FEB(LEGAL) for accounting exceptions not related to the observance of holy days.]

## **Attendance: Attendance for Credit**

*Excerpted from FEC(LOCAL)*

### GUIDELINES ON EXTENUATING CIRCUMSTANCES: DAYS OF ATTENDANCE

The attendance committee shall adhere to the following guidelines to determine attendance for credit:

1. All absences shall be considered in determining whether a student has attended the required percentage of days. If make-up work is completed, absences for religious holy days and health care appointments shall be considered days of attendance for this purpose. [See FEB.]

## **Health Requirements and Services: Immunizations**

*Excerpted from FFAB(LEGAL)*

### IMMUNIZATION REQUIREMENT

Each student shall be fully immunized against diphtheria, rubeola (measles), rubella, mumps, tetanus, and poliomyelitis. The Texas Board of Health may modify or delete any of these immunizations or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school. *Education Code 38.001(a), (b)*

The Texas Department of State Health Services (TDSHS) requires students in kindergarten through twelfth grade to have the following additional vaccines, according to the immunization schedules set forth in department regulations: pertussis, hepatitis B, hepatitis A (for students attending schools in high incidence geographic areas as designated by the department), and varicella (chickenpox). *25 TAC 97.63(2)(B)*

## APPLICABILITY

The vaccine requirements apply to all students entering, attending, enrolling in, and/or transferring to the District. 25 TAC 97.61(a).

## EXCEPTIONS: REASONS OF CONSCIENCE

Immunization is not required for admission to the District:

1. If the student submits to the admitting official:
  - b. An affidavit signed by the student or, if a minor, the student's parent or guardian stating that the student declines immunization for reasons of conscience, including a religious belief. The affidavit will be valid for a two-year period.

The affidavit must be on a form obtained from the TDSHS and must be submitted to the admitting official not later than the 90th day after the date the affidavit is notarized.

A student who has not received the required immunizations for reasons of conscience may be excluded from school in times of emergency or epidemic declared by the commissioner of public health.

[See FFAB(LEGAL) for other exceptions.]

## **Student Activities: Commencement**

FMH(LEGAL)<sup>2</sup>

## INVOCATIONS / BENEDICTIONS

School officials shall not direct the performance of a formal religious exercise at promotional and graduation ceremonies. *Lee, et al. v. Weisman*, 505 U.S. 577, 112 S. Ct. 2649 (1992) (addressing prayer by clergy at graduation).

The Board may permit the graduating senior class(es), with the advice and counsel of the senior class sponsor, to select student volunteers to deliver nonsectarian, nonproselytizing invocations and benedictions for the purpose of solemnizing their graduation ceremonies. *Jones v. Clear Creek Indep. Sch. Dist.*, 977 F.2d 963 (5th Cir. 1992), cert. denied, 508 U.S. 967, 113 S. Ct. 2950 (1993).

**Note:** Although not expressly overruled, the precedential value of *Jones v. Clear Creek ISD* has been called into question by the United States Supreme Court's decision in *Santa Fe ISD v. Doe*, 530 U.S. 290, 120 S. Ct. 2266 (2000). [See FNA(LEGAL) at PRAYER AT SCHOOL ACTIVITIES.]

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<sup>2</sup> FMH(LEGAL) may be revised in the near future, based on recent changes in state law (i.e., the Religious Viewpoints Antidiscrimination Act).

## STUDENT SPEAKERS

Students may be allowed to speak during commencement exercises. The following provisions will govern the eligibility, selection, and content requirements related to such student speakers.

## CONTENT

The subject of the speech of any student speaking publicly at District commencement exercises shall be clearly designated in advance. Students shall speak only on the designated subject.

\* \* \*

A student speaking publicly at District commencement exercises may not engage in speech that:

1. Is obscene, vulgar, offensively lewd, or indecent;
2. Creates reasonable cause to believe that the speech would result in material and substantial interference with school activities or the rights of others;
3. Promotes illegal drug use or other conduct prohibited by the Student Code of Conduct;
4. Violates the intellectual property rights, privacy rights, or other rights of another person;
5. Advocates imminent lawless action and is likely to incite or produce such action; or
6. Violates state or federal law or any provision of the United States Constitution.

## **Student Rights and Responsibilities: Student Expression**

**FNA(LEGAL)**

### FIRST AMENDMENT

The District shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Board for a redress of grievances. *U.S. Const. Amend. I.*

### FREEDOM OF SPEECH

Students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. At school and school events, students have First Amendment rights, applied in light of the special characteristics of the school environment.

Student expression that is protected by the First Amendment may not be prohibited absent a showing that the expression will materially and substantially interfere with the operation of the school or the rights of others. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969). [See also FNCL.]

The inculcation of fundamental values necessary to the maintenance of a democratic society is part of the work of the school. The First Amendment does not prevent school officials from determining that particular student expression is vulgar and lewd, and therefore contrary to the school's basic educational mission. *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675 (1986).

## PRAYER AT SCHOOL ACTIVITIES

A public school student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A student shall not be required, encouraged, or coerced to engage in or refrain from such prayer or meditation during any school activity. *Education Code 25.901*.

Nothing in the Constitution as interpreted by the U.S. Supreme Court prohibits any public school student from voluntarily praying at any time before, during, or after the schoolday. But the religious liberty protected by the Constitution is abridged when the District affirmatively sponsors the particular religious practice of prayer.

The District shall not adopt a policy that establishes an improper majoritarian election on religion and has the purpose and creates the perception of encouraging the delivery of prayer at a series of important school events. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (*addressing school-sponsored, student-led prayer delivered over the public address system at high school football games*). [See also FMH.]

## FEDERAL FUNDS

As a condition of receiving certain federal funds, the District shall certify in writing to TEA that no policy of the District prevents, or otherwise denies participation in, constitutionally protected prayer in public schools, as detailed in the guidance from the United States secretary of education regarding constitutionally protected prayer. The certification shall be provided by October 1 of each year.

By November 1 of each year, TEA shall report to the secretary a list of districts that have not filed the certification or against which complaints have been made to TEA that the District is not in compliance with the paragraph above. The secretary may issue and secure compliance with rules or orders with respect to a district that fails to certify, or is found to have certified in bad faith, that no policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public schools. *No Child Left Behind Act of 2001*, 20 U.S.C. § 7904.

## PATRIOTIC OBSERVANCES

The District may officially encourage students to express love for the United States by reciting historical documents or singing official anthems that contain religious references; such patriotic or ceremonial occasions do not constitute a school-sponsored religious exercise. *Engel v. Vitale*, 370 U.S. 421, 82 S. Ct. 1261 (1962).

The District shall not, however, compel students to participate in patriotic observances. *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943) (*holding unconstitutional a requirement that students salute the United States flag and recite the Pledge of Allegiance*).

## STUDENT SPEAKERS AT SCHOOL-SPONSORED EVENTS

Students may be chosen or allowed to publicly speak at school-sponsored events. The following provisions will govern the eligibility, selection, and content requirements related to such student speakers.

### ELIGIBILITY AND SELECTION

For events at which a student is to publicly speak, all student speakers shall be selected based on neutral criteria.

### CONTENT

The subject of the speech of any student speaking publicly at a school-sponsored event shall be clearly designated in advance. Students shall speak only on the designated subject.

\* \* \*

A student speaking publicly at a school event may not engage in speech that:

1. Is obscene, vulgar, offensively lewd, or indecent;
2. Creates reasonable cause to believe that the speech would result in material and substantial interference with school activities or the rights of others;
3. Promotes illegal drug use or other conduct prohibited by the Student Code of Conduct;
4. Violates the intellectual property rights, privacy rights, or other rights of another person;
5. Advocates imminent lawless action and is likely to incite or produce such action; or
6. Violates state or federal law or any provision of the United States Constitution.

## **Student Expression: Use of School Facilities for Nonschool Purposes**

*Excerpted from FNAB(LEGAL)*

### EQUAL ACCESS ACT

If a District secondary school receives federal financial assistance and has a limited open forum, as defined below, it shall not deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings. *20 U.S.C. § 4071(a).*

## LIMITED OPEN FORUM

A District secondary school has a limited open forum for purposes of the Equal Access Act whenever the school grants an offering to or an opportunity for one or more noncurriculum-related student groups to meet on school premises during noninstructional time. *20 U.S.C. § 4071(b)*.

\* \* \*

If a school has a limited open forum, it shall be deemed to offer a fair opportunity for students to conduct meetings within it forum if it uniformly provides that:

1. The meeting is voluntary and student-initiated.
2. There is no sponsorship of the meeting by the school or any government or its agents or employees.
3. School employees are present at religious meetings only in a nonparticipatory capacity.
4. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.
5. Nonschool persons shall not direct, conduct, control, or regularly attend activities of student groups.

*20 U.S.C. § 4071(c)*.

The establishment of a limited open forum shall not authorize a school or the District to:

1. Influence the form or content of any prayer or other religious activity.
2. Require any person to participate in prayer or other religious activity.
3. Expend public funds beyond the incidental cost of providing the space for student-initiated meetings.
4. Compel any school agent or employee to attend a meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee.
5. Sanction meetings that are otherwise unlawful.
6. Limit the rights of groups that are not of a specified numerical size.
7. Abridge the constitutional rights of any person.

*20 U.S.C. § 4071(d)*.

*Excerpted from FNAB(LOCAL)*

## ESTABLISHMENT OF LIMITED OPEN FORUM

For purposes of the Equal Access Act, the Board has created a limited open forum for students attending the District's secondary schools. District secondary schools shall offer an opportunity for noncurriculum-related student groups to meet on school premises during noninstructional time.

The District has not established a limited public forum for elementary school students to meet as noncurriculum-related student groups on school premises during noninstructional time. (See GKD for community access).

Noncurriculum-related student groups shall not be sponsored by the District and shall in no way imply to students or to the public that they are school-sponsored. All letterheads, flyers, posters, or other communications that identify the group shall contain a disclaimer of such sponsorship.

Each principal shall set aside noninstructional time before or after actual classroom instruction for meetings of noncurriculum-related student groups.

Students wishing to meet on school premises shall file a written request with the campus principal or designee on a form created and provided by the District. The request shall contain a brief statement of the group's purposes and goals, a list of the group's members, a parental permission form for each of the listed members, and a schedule of its proposed meeting times. Requests shall be approved by the building administrator subject to availability of suitable meeting space and without regard to the religious, political, philosophical, or other content of the speech likely to be associated with the group's meetings. Approval to meet as a nonsponsored, noncurriculum-related group shall be granted for up to one school year at a time, subject to the provisions of this policy. Notices of meetings may be posted in a manner determined by the principal.

#### STAFF PARTICIPATION PROHIBITED

School personnel shall not promote, lead, or participate in the meetings of noncurriculum-related student groups. The principal may assign staff to attend and monitor student meetings, as needed, and may establish reasonable written guidelines for the conduct of meetings to maintain order and discipline, protect the well-being of students and faculty, and ensure that student attendance is voluntary. No employee shall be required to monitor meetings at which the content of the speech would be objectionable to the employee.

#### **Student Conduct: Dress Code**

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*Excerpted from FNCA(LEGAL)*

#### UNIFORMS: EXEMPTIONS

A parent or guardian of a student assigned to a school where uniforms are required may choose for the student to be exempted from the uniform requirement or for the student to be transferred to a school where uniforms are not required and at which space is available. In order to exercise one of these options, the parent or guardian must provide a written statement that states a religious or philosophical objection to the uniform requirement that the Board determines is bona fide. *Tex. Educ. Code § 11.162.*

*Excerpted from FNCA(REGULATION)*

#### DRESS CODE: EXCEPTIONS

Exceptions to these dress requirements are to be made as necessary to allow students to observe religious customs or beliefs and as necessary to accommodate medical or health needs.

#### **Community Relations: Nonschool Use of School Facilities**

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*Excerpted from GKD(LEGAL)*

#### RIGHT TO PRESERVE USE

The District, like a private property owner, may legally preserve the property under its control for the use to which it is dedicated. *Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384, 113 S. Ct. 2141 (1993).*

## FORUM FOR COMMUNICATION

The District may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 103 S. Ct. 948 (1983); *Chiu v. Plano Indep. Sch. Dist.*, 260 F.3d 330 (5th Cir. 2001).

## LIMITED PUBLIC FORUM

For purposes of this policy regarding PATRIOTIC SOCIETIES, an elementary school or secondary school has a limited public forum whenever the school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

## SPONSORSHIP

Nothing in this policy shall be construed to require the District to sponsor any group officially affiliated with the Boy Scouts of America, or any youth group listed as a patriotic society. *Boy Scouts of America Equal Access Act*, 20 U.S.C. § 7905.

*Excerpted from GKD(REGULATION)*

## GENERAL STATEMENT

School facilities belong to the school community. Therefore, school facilities shall be available to community groups and organizations whose purposes and objectives contribute to development of the school program and community.

Since the primary purpose of school facilities is to serve the regular instructional program of the District, other uses will not be permitted to interfere with this program.

Costs involved in nonschool use of facilities will result in charges being made so that tax money will not be used in support of nonschool activities.

The District does not carry liability insurance. All organizations using District facilities assume the liability for all occurrences on District property.

## USE BY RELIGIOUS CONGREGATIONS

School Facilities may be made available to regularly organized religious congregations for the same fee charged to other nonprofit organizations.

## **Community Relations: Distribution of Nonschool Literature**

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*Excerpted from GKDA(LOCAL)<sup>3</sup>*

## DISTRIBUTION OF NONSCHOOL LITERATURE

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials over which the District does not exercise control shall not be sold, circulated, or distributed by persons or groups not associated with the school or a school support group on any school premises in the District without permission in accordance with this policy.

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<sup>3</sup> Proposed for adoption by the Board of Trustees at time of printing. Much of the content of the proposed GKDA(LOCAL) may currently be found in GKD(LOCAL).

The District shall not be responsible for, nor shall the District endorse, the contents of any nonschool literature distributed on any District premises. All nonschool literature distributed on District premises must include a disclaimer with the preceding statement.

The District's classrooms during the school day are provided for the limited purpose of delivering instruction to students in the courses and subjects in which they are enrolled. Hallways in school buildings are provided for the limited purpose of facilitating the movement of students between classes and allowing access to assigned lockers. Classrooms and hallways shall not be used for the distribution of any materials over which the school does not exercise control.

Each school campus shall designate an area where materials that have been approved for distribution, as provided below, may be made available or distributed to students or others in accordance with the time, place, and manner restrictions developed and approved by the campus principal. The Superintendent shall designate appropriate areas and determine appropriate time, place, and manner restrictions regarding distribution of nonschool materials at District buildings other than school campuses. No individuals or organizations will be allowed to stand at or in the designated area to distribute the materials.

#### PRIOR REVIEW

All written material over which the school does not exercise control and that is intended for distribution on District property shall be submitted for prior review according to the following procedures:

1. Materials shall be submitted to the Superintendent or designee for review.
2. To be considered for distribution, materials shall include the name of the organization or individual sponsoring the distribution.
3. Using the standards below at LIMITATIONS ON CONTENT the Superintendent or designee shall approve or reject submitted material within two school days of the time the material is received.
4. The requestor may appeal the decision of the Superintendent or designee to the Board in accordance with GF(LOCAL), beginning at the appropriate Level.

Prior review shall be performed but not required for distribution of nonschool literature in the following circumstances:

2. Distribution of materials by an attendee to other attendees at a community group meeting held in accordance with GKD (LOCAL) or a noncurriculum-related student group meeting held in accordance with FNAB (LOCAL); or

All nonschool literature distributed under these exceptions shall be removed from District property immediately following the event at which the materials were distributed.

Even when prior review is not required, all other provisions of the policy shall apply.

Failure to comply with this policy regarding distribution of nonschool literature shall result in appropriate administrative action, including but not limited to confiscation of nonconforming materials and/or suspension of use of District facilities. Appropriate law enforcement officials may be called when a person refuses to follow the procedures for submitting materials and fails to leave the premises when asked. [See GKA.]

## LIMITATIONS ON CONTENT

Nonschool materials shall not be distributed if:

1. The materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.
2. The materials endorse actions endangering the health or safety of students.
3. The distribution of such materials would violate the intellectual property rights, privacy rights, or other rights of another person.
4. The materials contain defamatory statements about public figures or others.
5. There is reasonable cause to believe that distribution of the nonschool literature would result in material and substantial interference with school activities or the rights of others.
6. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
7. The materials include hate literature that scurrilously attacks ethnic, religious, or racial groups, or contain content aimed at creating hostility and violence; and the materials would materially and substantially interfere with school activities or the rights of others.

## **Compensation and Benefits: Salaries, Wages, and Stipends**

*Excerpted from DEA(LEGAL)*

### ATTENDANCE SUPPLEMENT

The District shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406.*

## **Compensation and Benefits: Leaves and Absences**

*Excerpted from DEC(LEGAL)*

### RELIGIOUS OBSERVANCES

The District shall reasonably accommodate an employee's request to be absent from duty in order to participate in religious observances and practices, so long as it does not cause undue hardship on the conduct of District business. Such absence shall be without pay unless applicable paid local leave is available. *42 U.S.C. 2000e(j), 2000e-2(a); Ansonia Bd. of Educ. v. Philbrook, 479 U.S. 60, 107 S.Ct. 367 (1986); Pinsker v. Joint Dist. No. 28J of Adams and Arapahoe Counties, 735 F.2d 388 (10th Cir.1984).*

## **Employment Objectives: Equal Employment**

*Excerpted from DAA(LEGAL)*

### NONDISCRIMINATION – IN GENERAL

The District shall not fail or refuse to hire or discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of any of the following protected characteristics:

1. Race, color, or national origin;
2. Sex;
3. Religion;
4. Age (applies to individuals who are 40 years of age or older); or
5. Disability.

*42 U.S.C. § 1981; 42 U.S.C. §§ 2000e et seq. (Title VII); 20 U.S.C. §§ 1681 et seq. (Title IX); 42 U.S.C. §§ 12100 et seq. (Americans with Disabilities Act); 29 U.S.C. §§ 621 et seq. (Age Discrimination in Employment Act); 29 U.S.C. §§ 793, 794 (Rehabilitation Act); U.S. Const. Amend. I; Labor Code Chapter 21 (Texas Commission on Human Rights Act).*

### JOB QUALIFICATION

The District may take employment actions based on religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. *42 U.S.C. 2000e-2(e); 29 U.S.C. 623(f)*

### RELIGIOUS DISCRIMINATION

The prohibition against discrimination on the basis of religion includes all aspects of religious observances and practice, as well as religious belief, unless the District demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the District's business. "Undue hardship" means more than a *de minimus* (minimal) cost. *42 U.S.C. § 2000e(j); 29 CFR § 1605.2.*

The District may not substantially burden an employee's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Tex. Civ. Prac. & Rem. Code § 110.003.*

## **Professional Development: Required Staff Development**

*Excerpted from DMA(LEGAL)*

### DEVELOPMENT ACTIVITIES: TRAINING SPECIFICS

The staff development provided by the District must be conducted in accordance with standards developed by the District and designed to improve education in the District.

The staff development may include:

1. Training in technology, conflict resolution, and discipline strategies, including classroom management, District discipline policies, and the Student Code of Conduct;
2. Training that relates to instruction of students with disabilities and is designed for educators who work primarily outside the area of special education; and
3. Instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.

*Tex. Educ. Code § 21.451; 19 TAC § 153.1011.*

# GENERAL POLICIES: EQUAL PROTECTION AND NONDISCRIMINATION

## **EQUAL EDUCATIONAL OPPORTUNITIES**, *excerpted from FB(LEGAL)*

### NONDISCRIMINATION

The District shall provide equal opportunities within its jurisdiction. *Education Code § 1.002(a)*.

No officer or employee of the District shall, when acting or purporting to act in an official capacity, refuse to permit any student to participate in any school program because of the student's race, religion, color, sex, or national origin. *42 U.S.C. § 2000d; Civil Practice and Remedies Code § 106.001*.

## **STUDENT ACTIVITIES**, *excerpted from FM(LEGAL)*

### DISCRIMINATORY CLUB

An extracurricular activity sponsored or sanctioned by the District, including an athletic event or an athletic team practice, shall not take place at an athletic club located in the United States that denies any person full and equal enjoyment of equipment or facilities provided by the athletic club because of the person's race, color, religion, creed, national origin, or sex.

"Athletic club" means an entity that provides sports or exercise equipment or facilities to its customers or members or to the guests of its customers or members. *Education Code § 33.082*.

## **ADMISSIONS: INTERDISTRICT TRANSFERS**, *excerpted from FDA(LOCAL)*

### AUTHORITY

The Superintendent is authorized to accept or reject any transfer requests, provided that such action is without regard to race, religion, color, sex, disability, national origin, or ancestral language.

## **STUDENT DISCIPLINE**, *excerpted from FO(LOCAL)*

### EXTRACURRICULAR STANDARDS OF BEHAVIOR

No provision of an extracurricular behavioral standard shall have the effect of discriminating on the basis of sex, race, disability, religion, or ethnicity.

## **STUDENT ACTIVITIES, *excerpted from FM(REGULATION)***

### **STUDENT ORGANIZATIONS AND CLUBS**

In accordance with policy FO(LOCAL), addressing student discipline, if an organization or club sponsor or director seeks to establish a higher standard of behavior than the District-developed Student Code of Conduct, the organization or club sponsor or director must:

1. Establish written standards that are fair and equitable with no provision that would have the effect of discriminating on the basis of sex, race, disability, religion, or ethnicity;
2. Have these standards approved annually by the Superintendent or designee and the principal;
3. Share the standards with students and parents at the beginning of each school year, except as required in policy FO(LOCAL); and
4. Secure the student's and the parent's signature indicating that they have read the standards and consent to them as a condition of participation in the organization or club.

## **PERSONNEL-MANAGEMENT RELATIONS: EMPLOYEE COMPLAINTS / GRIEVANCES, *excerpted from DGBA(LOCAL)***

### **COMPLAINT**

The terms "complaint" and "grievance" shall have the same meaning. A grievance under this policy may include, but shall not be limited to, any of the following:

2. Specific allegations of unlawful discrimination in employment on the basis of sex (including allegations of sexual harassment), race, religion, national origin, age, or disability.
3. Specific allegations of unlawful discrimination or retaliation on the basis of the employee's exercise of constitutional rights.

## **TERM CONTRACTS: SUSPENSION/TERMINATION DURING CONTRACT, *excerpted from DFBA(LOCAL)***

### **TERMINATION**

The recommendation to the Board and its decision to terminate a contract under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age, and will comply with all due process requirements in the law.

## **TERM CONTRACTS: NONRENEWAL**, *excerpted from DFBB(LOCAL)*

### REASONS

The recommendation to the Board and its decision not to renew a contract under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age, and will comply with all due process requirements in the law.

## **ASSIGNMENTS AND SCHEDULES**, *excerpted from DK(REGULATION)*

### TEACHER TRANSFERS

3. Voluntary Transfers:
  - a. Teacher transfers shall be made without regard to age, creed, religion, sex, or marital status.

## **EMPLOYEES STANDARDS OF CONDUCT**, *excerpted from DH(EXHIBIT)*

Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, sex, disability, or family status.

Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, sex, disability, national origin, religion, or family status.



# STUDENT & PARENT COMPLAINT PROCEDURE

## FNG(LOCAL)

Unless otherwise provided by another policy, students or parents shall be entitled to informal conferences with administrators to resolve their complaints. In most circumstances in which a complaint involves a problem with a teacher, the student or parent shall be expected to discuss the matter with the teacher before requesting a conference with the principal at Level One.

### **Level One:**

- Within 15 days of the time the student or parent was notified of the event causing the complaint, a student or parent shall request a conference with the principal.
- The principal shall hold a conference with the student or parent within 7 days of the request.
- The principal shall have 7 days following the conference to respond.

### **Level Two:**

- The student or parent may request a conference with the Superintendent or designee if the outcome of the conference with the principal is not to the student's or parent's satisfaction.
- The request must be filed within 7 days following the receipt of the principal's response.
- If the principal does not issue a response, then the request must be filed within 7 days of the response deadline.
- The Superintendent or designee shall hold the conference within 7 days after receiving the request.
- Prior to the conference or during the conference, the student or parent shall provide a written complaint that includes the student's or parent's statement of the complaint, any evidence in its support, the solution sought, and the date of the conference with the principal.
- The Superintendent or designee shall have 7 days following the conference to respond.

### **Level Three:**

- The student or parent may request that the Superintendent or designee place the matter on the agenda of a future Board meeting if the outcome of the conference with the Superintendent or designee is not to the student's or parent's satisfaction.
- The request must be in writing and filed within 7 days of the response by the Superintendent or designee.
- If the Superintendent or designee does not issue a response, then the request must be filed within 7 days of the response deadline.
- The Superintendent shall inform the student or parent of the date, time, and place of the meeting.
- The presiding officer shall establish a reasonable time for complaint presentations. The District shall make an audiotape record of the Level Three proceeding before the Board. After hearing the complaint, the Board shall make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting.

### **Closed Meeting:**

If the complaint involves concerns or charges regarding an employee, it shall be heard by the Board in closed meeting unless the employee to whom the complaint pertains requests that it be heard in public.

# HELPFUL RESOURCES

***America's Religions: An Educator's Guide to Beliefs and Practices***

Benjamin J. Hubbard, John T. Hatfield, & James A. Santucci  
Teacher Ideas Press (1997)  
Englewood, CO  
1-800-237-6124  
<http://www.teacherideaspress.com/catalog/LU4694.aspx>

***Finding Common Ground: A Guide to Religious Liberty in Public Schools***

Charles C. Haynes & Oliver Thomas  
First Amendment Center (2001)  
1-615-727-1600  
[www.freedomforum.org](http://www.freedomforum.org)

***The First Amendment in Schools***

Charles C. Haynes, et al.  
Association for Supervision and Curriculum Development (2003)  
[www.ascd.org](http://www.ascd.org)

***Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools***

U.S. Dept. of Education  
[http://www.ed.gov/policy/gen/guid/religionandschools/prayer\\_guidance.html](http://www.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)

***How to Be a Perfect Stranger: The Essential Religious Etiquette Handbook***

Arthur J. Magida, Editor  
Jewish Lights Publishing (2006)  
Woodstock, VT  
1-802-457-4000  
<http://www.jewishlights.com/books/397.html>

***Interfaith Calendar***

<http://www.interfaithcalendar.org>

***On Common Ground: World Religions in America***

Diana L. Eck & the Pluralism Project at Harvard University  
Columbia University Press (2002)  
New York  
1-800-944-8648  
<http://www.columbia.edu/cu/cup/catalog/data/023112/0231126646.HTM>

***Religion & American Education: Rethinking a National Dilemma***

Warren A. Nord  
The University of North Carolina Press (1995)  
Chapel Hill & London  
1-800-848-6224

***Religion in American Life: A Short History***

Jon Butler, Grant Wacker, & Randall Balmer  
Oxford University Press (1998-2003)  
New York  
1-800-451-7556  
<http://www.oup.com>

***Taking Religion Seriously Across the Curriculum***

Warren A. Nord & Charles C. Haynes  
Association for Supervision and Curriculum Development (1998)  
Alexandria, VA  
1-800-933-2723  
<http://www.ascd.org>

***Teaching About Islam & Muslims in the Public School Classroom: A Handbook for Educators***

Council on Islamic Education  
Fountain Valley, CA  
1-714-839-2929  
[www.cie.org](http://www.cie.org)

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