

Nebo School District Board of Education

Policy IGAC

RECOGNIZING CONSTITUTIONAL FREEDOMS IN THE SCHOOLS

The Board recognizes the importance of religious belief and practice and other expressions of conscience in the lives of many people, the critical role that such beliefs have played in the development of societies and cultures throughout the world, and the influence that these beliefs continue to have on concepts and interpretations relating to school curricula.

The Constitution of Utah prohibits the use of the powers of government to encourage or discourage religious beliefs or practices, or to repress rights of conscience. Given their unique relationship to children attending the public schools, school officials must be particularly careful to remain neutral in matters relating to religion, while striving to accommodate the religious beliefs and practices and the freedom of conscience of students and their parents.

Creation and Implementation of Curriculum

A. A study, performance, or display which includes examination of or presentations about religion, religious thoughts or expression, or the influence thereof in music, art, literature, law, politics, history, or any other portion of the curriculum may be undertaken in the public schools so long as it is designed to achieve permissible educational objectives and is presented within the context of the approved curriculum.

B. The objective study of comparative religions is permissible, but no religious tenet, belief, or denomination may be given inappropriate emphasis.

C. No aspect of cultural heritage, political theory or moral theory, or societal value may be either included or excluded from consideration in the public schools primarily because it explicitly or implicitly contains theistic, agnostic, or atheistic assumptions.

D. An analysis of religion, deity, an absolute moral principle, or any other concept that may contain a theistic, agnostic, or non-theistic assumption, may be presented when included as an appropriate component or aspect of a broader study, display, presentation, or discussion regarding cultural heritage, political theory, moral theory or a societal value.

Requests for Waiver of Participation in School Activities

A. A parent, a legal guardian of a student, or a secondary student may request a waiver of participation (see exhibit) in any portion of the curriculum or school activity which the requesting party believes to be an infringement upon a right of conscience or the exercise of religious freedom in any of the following ways:

(1) it would require an affirmation or denial of a religious belief or right of conscience;

(2) it would require participation in a practice forbidden by a religious belief or practice, or right of conscience; or

(3) it would bar participation in a practice required by a religious belief or practice, or right of conscience.

B. A claimed infringement must rise to a level of belief that the requested conduct violates a superior duty which is more than personal preference.

C. A parent, guardian, or secondary student requesting a waiver of participation may also suggest an alternative that requires reasonably equivalent performance by the student of the objective of the curriculum or activity that is believed to be objectionable.

D. In responding to a request of waiver of participation, the school shall:

- (1) waive participation by the student in the objectionable curriculum or activity; or
- (2) provide a reasonable alternative as suggested by the parent or secondary student, or other reasonable alternative developed in consultation with the requesting party, that will achieve the objectives of the portion of the curriculum or activity for which waiver is sought;

E. In responding to a request for waiver of participation, the school shall not require an affected student to accept a sub-standard or educationally deficient alternative.

F. Permitting the submission of requests for participation waivers, and the provision of reasonable alternatives, is intended to facilitate protection and accommodation of a requesting party's asserted right of conscience or exercise of religious freedom, and shall not be considered to be an attempt by a school official to endorse, promote or disparage a particular religious or non-religious viewpoint.

G. If any portion of any curriculum or activity is repeatedly alleged to interfere with the rights of conscience or exercise of religious freedom of students, parents or legal guardians, the parent, guardian, secondary student or teacher may submit a request for an evaluation, in writing to the principal, of the curriculum or activity in question. The local screening committee as outlined in File #IIA-P will evaluate to determine whether the educational objective could be achieved by less intrusive means.

Student Expression

A. A student participating in a classroom discussion, presentation, or assignment, or in a school sponsored activity, shall not be prohibited from expressing personal beliefs of any kind nor be penalized for so doing, unless the conduct:

- (1) unreasonably interferes with order or discipline;
- (2) threatens the well-being of persons or property; or
- (3) violates concepts of civility or propriety appropriate in a school setting.

B. Students may initiate and conduct voluntary religious activities or otherwise exercise their religious freedom on school grounds during discretionary time. Individuals not currently enrolled as students in the school may neither conduct nor regularly attend the activities. School officials may neither conduct nor actively participate in the activities, but may be present as necessary to ensure proper observance of school rules and may limit or prohibit student activities under this section which:

- (1) unreasonably interfere with the ability of school officials to maintain order and discipline;
- (2) threaten the well-being of persons or property; or
- (3) violate concepts of civility or propriety appropriate in a school setting.

Religious Services and Church-Owned Facilities

A. Public school officers and employees may neither authorize nor encourage prayer or devotional activities in connection with any class, program, presentation or other student activity which is under the control, direction, or sponsorship of a public school or school district.

B. No school employee or student may be required to attend or participate in any religious service, whether in an individual capacity or as a member of a performing group, regardless of where or when the service is held. No penalty may be assessed for failure to attend or perform in such an activity.

C. Students who are members of performing groups such as school choirs may be required to rehearse or otherwise perform in a church-owned or operated facility if the following conditions are met:

- (1) the performance is not part of a religious service;
- (2) the activity of which the performance is a part is neither intended to further a religious objective nor under the direction of a church official; and
- (3) the activity is open to the general public.

D. Students may voluntarily attend and perform during a religious service as individuals or as members of a group, provided all arrangements are made by students or non-school personnel.

E. Students may be required to visit church-owned facilities when religious services are not being conducted if the visit is intended solely for the purpose of pursuing permissible educational objectives such as those relating to art, music, architecture, or history.

Expressions of Personal Belief by Employees

A. An employee's rights relating to voluntary religious practices and freedom of speech do not include proselytizing of any student regarding atheistic, agnostic, sectarian, religious, or denominational doctrine while the employee is acting in the employee's official capacity, nor may an employee attempt to use his position to influence a student regarding the student's religious beliefs or lack thereof.

B. Even though acting in an official capacity, an employee may respond in an appropriate and restrained manner to a spontaneous question from a student regarding the employee's personal belief or perspective. Nevertheless, because of the special position of trust held by school employees, employees may not advocate or encourage acceptance of a belief or perspective; but may, by exercising due caution, explain or define personal religious beliefs or perspectives, or opinions about the rightfulness or wrongfulness or his/her own, or any other person's religious beliefs, practices or lack thereof.

Approved: 1-10-96

Nebo School District Board of Education

Exhibit IGAC- E

REQUEST FOR WAIVER OF PARTICIPATION

A parent, legal guardian, or secondary student may request a Waiver of Participation by presenting this document to the principal.

NAME: _____ **DATE:** _____

ADDRESS: _____

Street City State Zip

PHONE NUMBER: _____

Signature of Parent or Guardian

Activity to be Waived: _____

Reason for Request: _____

Waived: _____

Alternative Curriculum: _____

Principal's Signature

Date

You may appeal this decision by following the District's Parent/Patron Appeal

Process (Policy KLD). The principal can provide you with this form.

Approved: 1-10-96