

Citizens Religious Freedom Institute Toolkit

Tools and resources compiled by Citizens Project

Contents:

Religion in the Public Schools; A Roadmap for Avoiding Lawsuits and
Respecting Parents' Legal Rights

First Amendment Fundamentals

The December Dilemma; December Holiday Guidelines for Public Schools

Worldview Assessment
Dos and Don'ts

Guidelines for Advocates

Additional Resources



www.citizensproject.org

(719) 520-9899 • PO Box 2085 • Colorado Springs, CO 80901

Toolkit compiled February 2012.

Section I

Religion in the Public Schools: A Road Map for Avoiding Lawsuits and Respecting Parents' Legal Rights

by Anne Marie Lofaso, Associate Professor of Law, West Virginia University

This book examines what the courts have said about many religion-in-school controversies and provides clear, concise answers to common questions. Fully referenced and footnoted, Religion in the Public Schools is the perfect guide for anyone seeking to better navigate the intersection between religion and public education.

Purchase or download a free pdf of the book at <http://religioninthepublicschools.com>

Section II

First Amendment Fundamentals

by Eric V. Hall, Rothgerber Johnson & Lyons LLP

An outline

Section III

The December Dilemma; December Holiday Guidelines for Public Schools

by the Anti-Defamation League

For overview and information:

http://www.adl.org/issue_education/december_dilemma_2004/

To download a pdf copy of the guide:

http://www.adl.org/issue_education/december_dilemma_2004/DecDilemma_rev.pdf

Section IV

Worldview Assessment & Dos and Don'ts

compiled by Stacy Weathers, PhD

Section V

Guidelines for Advocates

compiled by Citizens Project

Section VI

Resource and Reading List

compiled by Citizens Project

FIRST AMENDMENT FUNDAMENTALS

by Eric V. Hall
Rothgerber Johnson & Lyons LLP

Text of the First Amendment: “*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.*”

- I. The first three freedoms of the First Amendment.
 - A. Establishment Clause
 - B. Free Exercise Clause
 - C. Free Speech Clause

- II. Constitutional Doctrine
 - A. Who is acting or speaking?
 1. Government speech v. Private Speech: “There is a crucial difference between *government* speech endorsing religion, which the Establishment Clause forbids, and *private* speech endorsing religion, which the Free Speech and Free Exercise Clauses protect.”¹

 - B. Purposes of the constitutional “separation of church and state”
 1. Prevent religious wars and societal strife
 2. Protect religious liberty
 - a) Freedom to gather to worship: Government cannot prevent religious believers from gathering together to form churches
 - b) Freedom of individual conscience: Government cannot pressure an individual to accept or reject religious beliefs
 3. Protect religious minorities
 - a) Baptists in Anglican Virginia
 - b) Catholics in Protestant Maryland
 - c) Quakers in Pennsylvania

 - C. Context Matters

 - D. Establishment Clause
 1. *Lemon v. Kurtzman* (1971): A law does not “establish religion” if
 - a) It has a secular purpose;
 - b) Its primary effect neither advances nor inhibits religion; and
 - c) Government does not become entangled in religion.

 2. “Endorsement test” – Government conduct “establishes religion” if a reasonable, neutral, informed observer would believe that the government was “endorsing” religion or a particular religious belief.

 3. Establishment Clause Bedrock: Government must remain *neutral* towards religion. It may neither favor nor disfavor religion or a particular religious belief.

¹*Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 302 (2000).

E. Free Exercise Clause

1. *Employment Division of Oregon v. Smith* (1990): Neutral, generally applicable laws which have an incidental effect on religion do not violate the Free Exercise Clause.
2. Non-neutral laws, *i.e.*, laws that target religion, violate free exercise. See *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah* (1997).
3. To violate the Free Exercise Clause, government conduct must burden the individual's exercise of religion.
 - a) "The Free Exercise Clause is written in terms of what the government cannot do to the individual, not in terms of what the individual can exact from the government." *Lyng v. Northwest Indian Cemetery Protective Ass'n*, 485 U.S. 439, 451 (1988).

F. Speech Clause

1. No viewpoint discrimination
 - a) Content discrimination disfavored
2. What type of speech forum?
 - a) Traditional public forum
 - (1) Sidewalk or park
 - b) Limited public forum (a/k/a Designated public forum) – Government dedicates a certain space to certain types of speech.
 - (1) Government must treat all speakers equally as to the speech permitted in the forum.
 - c) Non-public forum – Government has never permitted any sort of speech in the forum.
3. Four speech variables: Identify the speaker, the speech, the government actor, and the government restriction.²

III. Issues related to the First Amendment and public schools.

A. Student Prayers

1. "See You At The Pole" student prayer event
2. Student prayers over lunch or before tests
3. Student prayer or Bible-study groups

B. Prayer at School Events, like graduation

C. Faculty, Staff, or Administration Prayers

1. Teachers praying with each other
2. Teachers praying with students or parents
3. Faculty prayer or Bible-study groups

D. Teaching

1. Teachers must teach the curriculum
2. Teaching about religion v. evangelizing
 - a) Teaching creationism or intelligent design³

E. Student Assignments, Religion, and Speech

F. Distribution of Religious Literature

G. Religious Persuasion Versus Religious Harassment

²This analysis is taken from John Garvey's book *What are Freedoms For?*

³ *Kitzmiller v. Dover Area School District*, 400 F. Supp. 2d 707 (M.D. Pa. 2005) (holding that teaching intelligent design violates the Establishment Clause and Article I, Section 3 of the Pennsylvania State Constitution because the court held intelligent design is not science and "cannot uncouple itself from its creationist, and thus religious, antecedents").

- H. Equal Access to School Facilities⁴
- I. Religious Holidays
- J. Holiday Music Concerts
- K. Excusal From Religiously Objectionable Lessons
- L. Student dress
- M. Released Time
- N. School Newspapers
- O. School Libraries
- P. Political Activities of Students, Faculty, or Staff
 - 1. Teacher criticism of the school board, superintendent, or principal
 - 2. Teacher by day; political/religious activist by night
- Q. And many, many more

IV. Cases

A. *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000) (By a 6-3 vote of the Supreme Court, school district policy permitting student-led, student-initiated “invocation” at home football games violated Establishment Clause).

1. Rural, Baptist Texas – Santa Fe ISD is located in Santa Fe, Texas, 20 miles south of Houston and 20 northwest of Galveston. Santa Fe is a consolidation of three rural communities. The school district is made up of about 21,000 residents. The school district enrolls approximately 4300 students on 6 campuses.
2. *Prior to 1995*, Santa Fe HS students elected a “Student Chaplain” for the purpose of delivering (Baptist) prayers before home football games.
3. School proselytizing activities, prior to 1995, included:
 - a) Promoting attendance at Baptist revival meetings;
 - b) Encouraging attendance at religious clubs;
 - c) Chastising children who held minority religious beliefs;
 - d) Distributing Gideon Bibles on school campuses;
 - e) Permitting Christian invocations and benedictions at graduation ceremonies.
4. A Catholic and a Mormon family sued in April 1995 to have the policy of prayers before football games enjoined.
5. *Pseudonym of “Jane Doe”* necessary because the trial court was (rightfully) concerned about intimidation and harassment of the plaintiffs by others in the school.⁵
6. In response to the lawsuit, the District changed its policy several times. Ultimately, the policy provided:
 - a) School board has chosen to permit students to deliver a brief invocation and/or message during pre-game ceremonies of home varsity football games.
 - b) Official purposes:
 - (1) Solemnize event;
 - (2) Promote good sportsmanship;
 - (3) Promote student safety;

⁴ Equal Access Act of 1998, 20 USC 4071, is a federal law that requires equal access to “limited open forums” in public secondary schools

⁵ See footnote 1 of opinion (order forbidding further attempts to “ferret out the identities of the Plaintiffs”).

- (4) Establish appropriate environment for competition.⁶
- c) Principal shall direct student council to conduct election in which high school student body determines whether a “statement or invocation” will be part of pre-game ceremonies.
 - d) If so, then students select a speaker from list of student volunteers to deliver the “statement or invocation” for the season.
 - e) “Statement or invocation” must be “consistent with goals and purposes of this policy.”
 - f) If a court so orders, the “statement or invocation” will be non-sectarian and non-proselytizing.
7. Trial court ordered that the “statement or invocation” must be non-sectarian and non-proselytizing, but otherwise allowed it.
8. Appellate court found even the modified policy violated the Establishment Clause.
9. Supreme Court agreed with appellate court.
10. School district’s arguments:
- a) The policy merely permits private speech because students decide *whether* to have “statement or invocation” and *who* will give it.
 - b) Attendance at football games is voluntary, unlike in classrooms or, to a lesser extent, at graduation exercises.

B. *Doe v. School Board of Ouachita Parish*, 274 F.3d 289 (5th Cir. 2001) (Louisiana statute requiring that each school decide whether to observe a “brief time in prayer or meditation” held to be a violation of the Establishment Clause.)

1. Evolution of statute:
- a) 1976 version: Required each school to decide whether to permit a “brief time in silent meditation.”
 - b) 1992 version: (added “prayer”) Required each school to decide whether to permit a “brief time in silent *prayer or* meditation.”
 - c) 1999 version: (removed “silent”) Required each school to decide whether to permit a “brief time in prayer or meditation.”
2. Reasoning: Evolution of statute demonstrates that the government’s purpose in enacting the statute was to inject verbal prayer into the schools.

C. *Adler v. Duval County School Board*, 250 F.3d 1330 (11th Cir. 2001) (Florida school board policy of permitting high school seniors to choose a student speaker to deliver a brief message at graduation did NOT violate Establishment Clause).

⁶ See footnote 6 of opinion (giving policy).

Similarities and differences between *Adler* and *Santa Fe*

1. In both, students decide *whether* a “message” / “statement or invocation” will be given.
2. In both, students select *who* speaker will be from list of volunteers.
3. *Content of message*
 - a. *Adler*: Student has complete discretion
 - b. *Santa Fe*: Statement must be consistent with school policy
4. *Text of policy*
 - a. *Adler*: Facially neutral
 - b. *Santa Fe*: Invites and encourages religious messages
 - i. Term “invocation” is religious
 - ii. Purposes, especially “to solemnize” event, led students towards giving prayer
5. *History*
 - a. In *Adler*, no history of school sponsorship of Baptist point-of-view.
 - b. In *Adler*, on 7 of 17 instances students voted either for no message or for a student speaker who delivered an entirely secular message.
 - c. In *Santa Fe*, policy was seen as effort by school board to inject prayer into school.
6. *Bottom line in Adler*: Court of appeals decided that policy permitted private speech on any topic, including religion. It did not constitute government endorsement of religion.

D. *Good News Club v. Milford Central School*, 533 U.S. 98 (2001) (holding that the school district policy prohibiting religious group from using school after hours violated the Free Speech Clause and such a violation is not justified by the school’s concern that permitting the group’s activities would violate the Establishment Clause).

1. Facts

- a) In 1992, Milford Central School opened their school for community use after the regular school day.
 - (1) One permissible use was the development of character and morals of children.
 - (2) Use of the school for “religious purposes” was prohibited.
- b) In 1996, Stephen and Darleen Fournier petitioned the school for permission to use a room after school for the Good News Club.
 - (1) Good News Club is a private Christian organization open to children 6 to 12 which, through singing songs, memorizing Bible verses, discussing Bible stories and characters, and providing Christian role models, seeks to encourage children to believe in the Lord Jesus as their Savior and call on Him for help, *i.e.*, it was a “pervasively sectarian group.”
- c) The school district denied the Good News Club’s application, relying on their policy that the school could not be used for “religious purposes.”
- d) The Fourniers sued, citing a number of grounds, including the Free Speech Clause.
- e) The trial and appellate courts sided with the school.
- f) The Supreme Court reversed in a 6-3 decision.

2. Reasoning: School policy violates Free Speech Clause.

- a) Once the state (here, the school) opens up a “limited public forum” for certain uses, it must not discriminate on the basis of viewpoint.
- b) The school permitted the use of the school for the development of morals and character in children.
- c) What the Good News Club was trying to do was develop Christian morals and a Christian character in its children-members.
- d) The school’s policy permitted the Boy Scouts to try to persuade its children-members to develop the morals and character of Boy Scouts.
 - (1) Parents want and expect it.
 - (2) It will make scouts “better” and “more successful” people.

- (3) Scouts should emulate famous scouts, like President Gerald Ford.
- e) The Good News Club must be afforded the same treatment when it tries to persuade its members to be Christian.
 - (1) God wants and expects it.
 - (2) It will make members “better,” *i.e.*, “holy.”
 - (3) Scouts should emulate Jesus.

3. “A priest has as much liberty to proselytize as a patriot.”⁷

- 4. Reasoning: No violation of the Establishment Clause.
 - a) Permitting the Good News Club to use the school’s facilities on equal terms with other groups does not constitute the state *endorsing* religion.
 - b) Indeed, *not* letting religious groups use the facility on equal terms might violate the Establishment Clause because the school would be seen as endorsing a hostility to religion.

E. *Lamb’s Chapel v. Center Moriches Union Free School District*, 508 U.S. 384 (1993) (holding that the Free Speech Clause requires that a school that opened their facilities for “social, civic, or recreational use” must permit Lamb’s Chapel to show Dr. Dobson films on dealing with family problems from a Christian perspective, just as it permits a secular family counselor to try to persuade families to deal with family problems from a certain secular perspective.)

F. *Rosenberger v. University of Virginia*, 515 U.S. 819 (1995) (holding that the Free Speech Clause requires that a public university that decides to fund student publications must fund, on equal terms, a pervasively Christian newspaper called “Wide Awake”).

G. *Child Evangelism Fellowship v. Stafford Township Sch. Dist.*, 386 F.3d 514 (3d Cir. 2004) (J. Alito)

1. Facts

- a) Child Evangelism Fellowship, the sponsor of “Good News Clubs”, sought to distribute its literature, post items on walls, and appear at “Back to School Nights”, just like other groups, like Boy and Girl Scouts, 4-H Clubs, and Elks Clubs.
- b) School district at first approved, and then denied, Child Evangelism Fellowship’s requests.
- c) District’s policy is to “assist all organizations in our rapidly growing community.”

2. Held: District’s refusal to grant equal access to Child Evangelism Fellowship violates Speech Clause as viewpoint discrimination, and does not violate Establishment Clause. In a lengthy, thorough opinion, J. Alito follows analysis in *Lamb’s Chapel*, *Rosenberger*, and *Good News Club*.

3. Reasoning

- a) “To proselytize means both ‘to recruit members for an institution, team, or group’ and ‘to convert from one religion, belief, opinion, or party to another.’” (528)
- b) District’s viewpoint discrimination arises because it permits secular (or mildly religious, like Boy & Girl Scouts, and Elks) groups to “recruit” but not religious (or seriously religious) group to “recruit” members. (528-29)
- c) “Endorsement sends a message to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community. Disapproval of religion conveys the opposite message.” (531)
- d) “The proposition that schools do not endorse everything they fail to censor is not complicated.” (534) (quoting *Mergens*)

H. *Roberts v. Madigan*, 921 F.2d 1047 (10th Cir. 1990)

1. Facts

- a) Kenneth Roberts was a 5th grade teacher in Adams 50. He required silent reading time in class. Often during silent reading, he read the Bible. He kept the Bible on his

⁷ Quote from Justice Scalia, concurring. 533 U.S. at 121.

desk. In his classroom library, he had two books, *The Bible in Pictures* and *The Life of Jesus*. He had a poster in his room which read, "You have only to open your eyes to see the hand of God."

b) When a parent complained to the principal, Kathleen Madigan, of the two Christian books in his library, she required him to remove those, remove the Bible from his desk, not read the Bible during classroom time, and remove the poster.

c) Mr. Roberts alleged that Ms. Madigan also removed a copy of the Bible from the school library. The school countered that someone else removed that Bible and that it would be replaced and not removed again.

d) The school did not require the removal of books in Mr. Roberts' classroom library on the Greek gods and American Indian religions. The school permitted him to teach about the Navajo religion and to keep on his desk and read during silent reading time a book about Buddha.

e) He sued, alleging violations of free speech, academic freedom, access to information, and Establishment Clause (disfavoring Christianity).

2. Holding (2-1): The school did not violate any part of the Constitution.

3. Reasoning:

a) School acted with valid purpose of preventing Mr. Roberts from promoting Christianity in a public school.

b) The primary effect of school's actions was to disapprove of any classroom activity which appears to promote a particular religion.

c) School was not disfavoring Christianity when it required removal of the Bible but permitted books about the Greek gods, American Indian religions, and Buddha, because the school may focus on only those materials which appear to create the risk of an Establishment Clause violation.

d) Mr. Roberts' speech and academic freedom were not meaningfully curtailed by the school's actions.

4. Dissent:

a) First Amendment does not mandate complete separation of church and state but rather accommodation of all religions and no hostility to any.

b) Mr. Roberts' activities were passive, not active, and were *de minimis*. Thus, he cannot be said to have been endorsing Christianity.

I. *Bauchman v. West High School*, 132 F.3d 542 (10th Cir. 1997)

1. Issue: Whether music teacher was promoting Mormon religion by selection of music and venues, and by conduct toward Jewish student

2. Viewpoint of Plaintiff/Student and dissenting judge

a) Rachel Bauchman was a Jewish girl in 10th grade in Salt Lake City, Utah

b) Richard Torgerson taught music, including an *a capella* choir class at West High School

c) Mr. Torgerson used his music class to proselytize his Mormon beliefs

(1) Selecting explicitly religious music

(a) **"The Lord Bless You and Keep You"**

(b) **Devotional songs with lyrics to praise "Jesus Christ our savior" and "Jesus Christ our Lord"**

(2) Selecting explicitly religious venues in which to perform

(a) **Church of the Madeleine**

(b) **First Presbyterian Church**

(c) **Temple Square in downtown Salt Lake City**

(3) Subjected Rachel to public ridicule and harassment when she objected to his selections of music and venues

3. Viewpoint of School & Teacher and majority of panel

a) Choir performed a variety of music

(1) Much serious choral music has religious themes

- b) Venues selected because of acoustics and seating capacity, not in an attempt to proselytize
 - c) Rachel was trying to single-handedly dictate content and venues of choir performances (“heckler’s veto”)
 - (1) Negative reactions by Mr. Torgerson, administrators, peers, and parents might be expected
 - (2) Rachel had the choice not to participate in any particular song and it would not affect her grade
- (a) School was not coercing Rachel to do anything that violated her conscience**

V. Final Thoughts on Constitutional Matters from Justice Sandra Day O’Connor:

The First Amendment expresses our Nation’s fundamental commitment to religious liberty by means of two provisions – one protecting the free exercise of religion, the other barring establishment of religion. They were written by the descendants of people who had come to this land precisely so that they could practice their religion freely. Together with the other First Amendment guarantees – of free speech, a free press, and the rights to assemble and petition – the Religion Clauses were designed to safeguard the freedom of conscience and belief that those immigrants had sought. They embody an idea that was once considered radical: Free people are entitled to free and diverse thoughts, which government ought neither to constrain nor to direct.

Reasonable minds can disagree about how to apply the Religion Clauses in a given case. But the goal of the Clauses is clear: to carry out the Founders’ plan of preserving religious liberty to the fullest extent possible in a pluralistic society. By enforcing the Clauses, we have kept religion a matter for the individual conscience, not for the prosecutor or bureaucrat. At a time when we see around the world the violent consequences of the assumption of religious authority by government, Americans may count themselves fortunate: Our regard for constitutional boundaries has protected us from similar travails, while allowing private religious exercise to flourish. The well-known statement that “[w]e are a religious people,” *Zorach v. Clauson*, 343 U.S. 306, 313 (1952), has proved true. Americans attend their places of worship more often than do citizens of other developed nations, R. Fowler, A. Hertzke, & L. Olson, *Religion and Politics in America* 28-29 (2d ed.1999), and describe religion as playing an especially important role in their lives, *Pew Global Attitudes Project, Among Wealthy Nations ... U.S. Stands Alone in its Embrace of Religion* (Dec. 19, 2002). Those who would renegotiate the boundaries between church and state must therefore answer a difficult question: Why would we trade a system that has served us so well for one that has served others so poorly?

McCreary County, Ky. v. American Civil Liberties Union of Ky., 545 U.S. 844, 881-882 (2005) (O’Connor, J., concurring).



Citizens Religious Freedom Institute – Religion and Public Schools Worldview Assessment

Your Worldview

1. State what you'd choose as the most comfortable label by which you would prefer to identify yourself to the most people.

2. Overall, I think of my outlook as being (circle)...

- a) a minority worldview in my community
- b) a majority worldview in my community

3. When I think of how in general this outlook is seen by others, I consider it to be ...

- a) highly acceptable in this community
- b) generally acceptable in this community
- c) not acceptable within this community

4. My general attitude toward those persons who do not share my own worldview is:

- a) highly accepting
- b) mildly accepting
- c) tolerant
- d) condescending
- e) repelled

5. When considering my outlook toward people who do not share my worldview, I can honestly state that:

- a. I would look for ways to influence their outlook toward mine
- b. I would probably wish them to have my own outlook
- c. I'd have only a mild desire to influence their outlook
- d. I'd have absolutely no desire to influence their outlook

6. How can I ensure my own neutrality as a teacher, given my worldview?

Adapted from www.worldvieweducation.org

Scenarios

Scenario #1 Initial response _____

Scenario #1 Response after considering best practices _____

Notes:

Scenario #2 Initial response _____

Scenario #2 Response after considering best practices _____

Notes:

Scenario #3 Initial response _____

Scenario #3 Response after considering best practices _____

Notes:

Scenario #4 Initial response _____

Scenario #4 Response after considering best practices _____

Notes:

Scenario #5 Initial response _____

Scenario #5 Response after considering best practices _____

Notes:

Scenario #6 Initial response _____

Scenario #6 Response after considering best practices _____

Notes:



Best Practices for Neutrality “Do’s and Don’t” Adapted from www.worldvieweducation.org

OK

(At high school levels) To present a brief statement of personal belief, if asked by the class to tell your religious beliefs.

To *not* state your own religious or nonreligious view, if asked. Middle and high school students may be able to distinguish between a personal view and the official position of the school; very young children may not.

To allow students to express their beliefs about religion in the form of homework, artwork, and other written and oral assignments free of discrimination based on the religious content of their submissions. Such home and classroom work should be judged by ordinary academic standards.

To include the study of religiously inspired material as a part of a secular educational program.

To use art, drama, music or literature with religious or nonreligious themes when it serves a sound educational goal in the curriculum.

To teach about religious and nonreligious influences on art, music, literature, science, and social studies in relation to a culture.

To recognize and provide information about holidays, focusing on how and when they are celebrated, their origins, histories and generally agreed-upon meanings.

To teach about a holiday if it furthers a genuine secular program of education, is presented objectively, and does not have the effect of advancing or inhibiting religion.

To welcome students sharing their knowledge and ideas.

NOT OK

To turn an inquiry concerning your personal beliefs into an opportunity to promote or speak against religion.

To inject personal religious or nonreligious beliefs into a discussion in an attempt to persuade students to your view.

To position assignments that feature religious themes as representing the school. For example, a religious play written by a student should not be the play everyone performs.

To single a student out on the basis of your assumptions about their religious affiliations.

To allow religious music, literature, art or other worldview-derived activities to dominate a classroom activity.

To ignore the sway of religious and nonreligious imperatives on culture, or to emphasize one form of influence and ignore the other.

To celebrate religious holidays.

To put students on the spot to represent a group. The student may feel uncomfortable and may not have enough information to be accurate. The teacher may be sending a signal that the religion is too "exotic" for the teacher to understand.

To place students into "role-playing" or other participatory situations where they will experience aspects of belief practices that may be contrary to their own worldview traditions.

To single students out on the basis of religious affiliation.

Within your classroom, do not permit actions or statements (e.g., ostracism, ridicule, or disrespect by teacher or peer) that erode the liberty of conscience or undermine the social circumstance of any youngster on account of the individual's profession of religious or nonreligious belief (or associated attire or customs).



Citizens Religious Freedom Institute – Religion and Public Schools Guidelines for Advocates

- ✓ *What if a teacher at my kid's school refuses to teach evolution, and the administration is letting it slide?*
- ✓ *What if a school counselor is promoting a prayer event?*
- ✓ *What if a teacher tells a kid he can't read the bible during open reading period or study hall?*
- ✓ *What if a principal refuses to allow a Gay-Straight Alliance club, or a Christian Athletes' club?*
- ✓ *What if a choir teacher requires students to sing a religious song to try out for the choir?*

1) Document perceived violations.

Write down every detail about what happened. Record dates, times, exact or approximate words, etc and consider what exactly do you want done about the problem or violation.

2) Do your homework.

Check your facts, and use reference materials to determine if the action is truly a violation. Find out if the district has a policy about the matter. Where can you get written policies – on the web or at the district office? Call the principal or district to ask if there is a formal complaint process.

3) Address your question and concern respectfully first to the teacher, staff person or principal directly.

It is important to be courteous and respectful, and to first express your concern to the teacher or the person whose action caused your concern, unless you fear reprisal. In that case, you can go to that person's supervisor, or:

4) If you want to remain anonymous, contact Citizens Project. We are a resource to help address your concerns.

Sometimes an outside voice can help get concerns addressed. Citizens Project can contact a school on your behalf.

5) If the teacher or principal says they will get back to you, ask them for a deadline.

You may need to give them a reasonable time to talk with their supervisor or investigate whether the alleged action took place and whether it was a violation.

6) If you are not satisfied with the response, move up the "chain of command."

Ask who is the next person you should speak with, and when you call them, ask if they are the right person to whom you should speak. At the top are the Superintendent and School Board, but often conflicts will be resolved below this level.

7) If the complaint is not resolved satisfactorily and you believe your rights are still not being protected, you may decide to seek legal help or policy change at the state level.

Citizens Project can help put you in touch with resources at this level.



Religion and the Public Schools Additional Resources

The U.S. Department of Education guidelines for religion in the public schools at:
<http://www.ed.gov/>

- Guidelines on prayer in public schools
- Scholarly religious expression guidelines: <http://www.citizensproject.org/wp-content/uploads/2011/10/Religious-Expression0001-1.pdf>

The National Congress of Parents and Teachers and Freedom Forum's "A parent's guide to religion in the public schools," at: <http://www.freedomforum.org/>

- First Amendment Schools Vision Statement,
- A Parent's Guide to Religion in the Public Schools
- A Teacher's Guide to Religion in the Public Schools
- Bridging the Gap: Religion and the News Media
- California 3Rs: Finding Common Ground — California Social Studies Review and Journal articles
- Deities & Deadlines
- Finding Common Ground
- Learning About World Religions in Public Schools
- Oxford Guide: A Teacher's Guide to Religion in American Life
- Partnership or Peril? PDF file
- Public Schools and Religious Communities
- Public Schools and Sexual Orientation
- Religious Liberty in American Life: Preparing Religious Leaders for Civic Engagement in the 21st Century
- Religious Liberty, Public Education, and the Future of American Democracy: A Statement of Principles
- Taking Religion Seriously Across the Curriculum
- Teaching About Religion in American Life: A First Amendment Guide
- Teaching About Religion in National and State Social Studies Standards
- Teaching About Religion in Public Schools: Where Do We Go from Here?
- The Bible and Public Schools
- The Future of Religious Freedom in America

Americans United <http://www.au.org/about/>

- Americans United (AU) is a nonpartisan organization dedicated to preserving the constitutional principle of church-state separation as the only way to ensure religious freedom for all Americans.
- Science, Religion And Public Education Brochure
- Prayer And The Public Schools Brochure

Anti-Defamation League (ADL's) "*Religion in the Public Schools*" at:
http://www.adl.org/religion_ps/default.asp

- Prayer in Public School
- Religion in the Curriculum
- Evolution vs. Creationism
- Teaching About Religious Holidays
- Religious Displays on School Property
- Released Time Programs
- Student Religious Clubs
- Use of School Facilities by Outside Religious Organizations and Clubs
- Distribution of Religious Materials by Students
- Distribution of Religious Material and Proselytizing by Non-school Personnel
- Dress Codes
- Teachers' Religious Expression

The National Center for Science Education: <http://ncse.com/>

- The National Center for Science Education (NCSE) is a not-for-profit, membership organization providing information and resources for schools, parents and concerned citizens working to keep evolution in public school science education. We educate the press and public about the scientific, educational, and legal aspects of the creation and evolution controversy, and supply needed information and advice to defend good science education at local, state, and national levels. Our 4000 members are scientists, teachers, clergy, and citizens with diverse religious affiliations.

Religious Tolerance: http://www.religioustolerance.org/ps_pray.htm

- About prayer in public schools
- Teaching religion
- Prayer at special events:
- Student free speech guarantees:
- Equal Access Act regarding student clubs
- Events reported in the media:
- Renting school & library facilities to community groups
- The Pledge of Allegiance prayer

The Pew Forum on Religion and Public Life: <http://pewforum.org/Topics/Issues/Church-State-Law/>

- The Pew Forum offers a variety of resources that probe the relationship between religion and public schools, including reports, event transcripts, polling data and the latest news.

Freedom Forum Publication: *Strategies for Finding Common Ground*
<http://www.freedomforum.org/publications/first/findingcommonground/B05.Strategies.pdf>

Teaching About Religion In Support of Civic Pluralism

A compilation of resources for teachers seeking to integrate a religious curriculum into the classroom: <http://www.worldvieweducation.org/teacher.html>