

POLICY	BOARD OF EDUCATION OF FREDERICK COUNTY, MARYLAND
RELIGIOUS EXPRESSION	POLICY 427
427.1 Student Prayer and Religious Discussion 427.2 Graduation Prayer and Baccalaureates 427.3 Official Neutrality Regarding Religious Activity 427.4 Teaching About Religion 427.5 Student Requests for Excusal Due to Religious Reasons 427.6 Teaching Values 427.7 Student Clubs 427.8 Questions regarding Religious Expression	

8/24/22 AND 9/28/22 TO POLICY COMMITTEE
10/12/22 TO THE BOARD (FIRST READING)

Purpose

To provide expectations related to religious expression during the school day and school-sponsored activities in compliance with federally issued guidance and case law.

Policy Statement

The Board of Education of Frederick County (Board) recognizes and accepts its responsibility to uphold the **Free Exercise and Establishment Clause** of the First Amendment, **specifically**: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” Public schools may neither advance nor inhibit any religion but should exercise neutrality toward religion in its policies.

The Board further recognizes the significant role religion has played in the public life, arts, and culture of this nation and the world and supports the inclusion of religious history and tradition where appropriate in the curriculum. Such instruction must not seek to convert, proselytize, or favor or exclude a particular religion, nor compromise or infringe upon the religious beliefs or practices of students or staff.

Definitions

Proselytizing – Attempting to convert another to one’s own beliefs.

Religion – A recognized system of belief or worship encompassing the nature of a deity and/or reality and the relationship of human beings to that deity and/or reality.

427.1 Student Prayer and Religious Discussion

- A. Students have the same right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activity. For example, students may read their Bibles or other

scriptures, say grace before meals, and pray before tests to the same extent they may engage in comparable, nondisruptive activities.

- B. Students may express their beliefs about religion in homework, artwork, and other written and oral assignments. Such work will be evaluated by ordinary academic standards.
- C. The principal may exercise discretion to impose rules of order and other pedagogical restrictions on student activities and may intercede to stop student speech that constitutes harassment aimed at a student or a group of students.
- D. Students may elect to participate in before or after school events such as "See You at the Flagpole" gatherings on the same terms that they may participate in other noncurricular activities on school premises. School system employees may ~~neither encourage nor discourage participation in such events and school officials may only~~ be present to monitor for supervision but may not actively participate **with students**.
- E. Teachers and administrators should ensure that no student is in any way coerced to participate in a religious activity.

427.2 Graduation Prayer and Baccalaureates

Under current Supreme Court decisions, school officials may not mandate or organize prayer at graduation ceremonies nor organize religious baccalaureate services. If a school generally opens its facilities to private groups, it must make its facilities available on the same terms to organizers of privately sponsored religious baccalaureate services.

427.3 Official Neutrality Regarding Religious Activity

School employees, when acting in their official capacities, are representatives of the state and are prohibited by the Establishment Clause of the First Amendment ~~from encouraging or discouraging religious activity and~~ from actively participating in such activity with students. **Under the Free Exercise Clause, employees may engage in religious activity during private, personal time when not with students. Note: The Supreme Court has defined personal time during the workday as time when employees are free to engage in personal matters.**

427.4 Teaching About Religion

- A. Although teachers are not to advocate or proselytize a religious viewpoint during instruction, teachers may teach about religion in the context of the history of religion, comparative religion, scripture as literature, and the role of religion in the history of the United States and other countries. Similarly it is permissible to consider religious influences on art, music, literature, and social studies.
- B. Teachers may teach about religious aspects of the holidays and schools may celebrate the secular aspects of holidays.

427.5 Student Requests for Excusal Due to Religious Reasons

Students may be excused from an assignment or classroom discussion if their participation substantially burdens their religious beliefs. Absent a compelling curricular-related reason, requests shall not be unreasonably denied. If approved, the student shall be provided an alternative assignment by the teacher.

427.6 Teaching Values

Though schools must be neutral with respect to religion, they play an active role with respect to teaching the tenets of the Character Counts program. The fact that some of these values are also held by religions does not make it unlawful to teach them in school.

427.7 Student Clubs

At the secondary level, a student or a group of students may conduct or organize a religious club as allowed under The Equal Access Act (20 U.S.C. §4071[b]) and according to procedures outlined in FCPS Regulation [400-58](#) *Student Clubs*.

427.8 Questions Regarding Religious Expression

Questions regarding religious expression should be directed to the FCPS Chief Legal Counsel.

Legal Reference	COMAR 13A.04.04.01 "Religious Education"		
	§ 7-104, Education Article, <i>Annotated Code of Maryland</i>		
	Every Student Succeeds Act (ESEA) 20 U.S.C. § 7904(a)		
	United States Constitution, First Amendment		
Source Documents	FCPS Regulation 400-58 <i>Student Clubs</i>		
	U.S. Dept. of Education & U.S. Dept. of Justice "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools" January 16, 2020		
Policy History	Reviewed: 2020, 2022	Adopted: 1/10/2007	Revised: 9/9/2020