

**OPERATIONAL GUIDELINES FOR CHARTER SCHOOLS**  
**SHARING SPACE WITH RELIGIOUS INSTITUTIONS**

*The following guidelines are intended to assist charter schools in California to comply with “separation of church and state” requirements when such schools utilize religious facilities. Due to the fact-specific nature of the Constitutional questions which arise in these settings, these guidelines are not intended to include every possible situation that may arise, and it is expected that schools will seek the advice of legal counsel when there is any doubt regarding the appropriate course of action. It should also be noted that whenever the term “school employee” appears herein, it is intended to apply only to the actions of employees while acting in the capacity of a school employee.*

**Worship, Prayer, Bible/Religious Studies**

1. Participation by school employees in devotional activities, including prayers, benedictions, invocations, Bible readings, worship services and periods of silence is unconstitutional.
2. While school employees have the right to pray voluntarily at school or school sponsored activities, provided there is no interference with the educational process, school employees should not:
  - (a) recite prayers in the presence of school children for a non-secular purpose,
  - (b) encourage students to pray,
  - (c) permit students or student groups of a religious nature to pray or conduct meetings which disrupt the educational process during the instructional day,
  - (d) allow individuals who are not students or employees to enter school grounds during school hours in order to pray or conduct other religious activities,
  - (e) recite nondenominational prayers or allow such prayers to be recited by students or others in the classroom or during other school sponsored activities,
  - (f) conduct moments of silence in the classroom or in other school sponsored activities.
3. It is unconstitutional for school employees to conduct prayer meetings or Bible study groups with school children.

4. In secondary schools that allow religiously affiliated student groups to meet on campus during non-instructional time, school employees may not sponsor such groups, or allow nonschool persons to direct, conduct, control, or regularly attend activities of such student groups, and school employees may only be present at religious meetings held in school facilities in a non-participating capacity.
5. School employees may conduct the study of religion, the Bible or other religious texts so long as the purpose of such studies is consistent with approved curriculum and the studies are secular in nature.
6. In courses which allow teaching about religion or religious texts, school employees should not endorse or denigrate any particular religious view or text.

### **Religious Displays**

1. School employees should not display or permit the display of materials on school grounds or at school sponsored activities which do not have a secular purpose or which exhibit a preference for or endorsement of a religion or particular religious belief.
2. Displays presented to further a secular purpose, which may include items of religious significance but are intended to serve educational purposes, are acceptable.

### **Teaching About Religion v. Proselytizing**

1. While public schools may not provide religious instruction or observe holidays as religious events, such schools may teach about religion and its influence on various subjects and may celebrate the secular aspects of otherwise religious holidays
2. School employees should not attempt to impose religious beliefs or convert other employees or students to them.
3. School employees have an affirmative obligation to prevent other groups or individuals from using school facilities or classroom time to promote religious beliefs.

### **Holiday Observances and Ceremonies**

1. School employees may not celebrate religious holidays during school hours or school sponsored activities.
2. School employees may objectively, in appropriate courses, discuss religious holidays, including the beliefs and practices associated with them, but such discussions should not reflect a preference for any religion.

3. School employees may not initiate, conduct or permit religious ceremonies during school hours or school sponsored activities.
4. School employees must ensure that school sponsored ceremonies including commencement, awards programs, banquets and sporting events do not include any religious devotional activities. By definition, baccalaureate services are ceremonies which are violative of the Establishment Clause.

### **Privacy**

1. School employees should respect the privacy of other employees and students and should not induce or attempt to induce such employees or students to disclose their personal religious preferences or beliefs or those of family members.
2. No student shall be compelled by any school employee to profess a belief or disbelief in any religion.

### **Use of School Facilities**

1. School equipment or delivery systems (such as mailboxes) shall utilized only by school employees.
2. School employees may not use their position as school employees to help religious organizations or groups spread a religious message or obtain converts.
3. School operated communications and media may not be used to promote or advertise religious activities or events.

### **Church Employees in the Classroom**

1. Employees and/or members of religious institution may not officially participate in school programs for the purpose of providing religious instruction.

### **Student Rights**

1. Students have the same right to engage in individual or group prayer, religious discussion or Bible readings during the school day so long as such activity does not disrupt school activities.
2. Students may pray before tests or say grace before meals.
3. Students may speak to, and attempt to sway their peers about religious topics, except that school officials should intercede to stop student speech that constitutes harassment aimed

at a student or group of students and should ensure that no student is in any way coerced to participate in religious activities.

- 4. Students may participate in before or after school events with religious content on the same terms as they may participate in other non-curriculum activities on school premises, and school officials may neither discourage nor encourage participation in such events.
- 5. Students have a right to distribute religious literature on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities. Schools may impose the same reasonable time, place and manner or other constitutional restrictions on distribution of religious literature as they do on non-school literature generally.

**Official Neutrality of Teachers and Administration**

- 1. When acting in their capacity as a teacher or administrator, such individuals are prohibited from soliciting or encouraging religious activity and participating in such activity and, conversely, may not discourage activity because of its religious content or encourage participation in anti-religious activity.
- 2. While schools must be neutral with respect to religion, teachers and staff may play an active role in teaching civic values and virtues and the communities moral code despite the fact that some of those values overlap into religious beliefs.

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*Violation of the separation of church and state requirement can be extremely costly, leading to significant damages and an award for attorneys fees. Accordingly, strict compliance with the aforementioned guidelines is advised.*



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