

The United States Constitution and North Carolina Constitution protect the right of an individual to choose his/her own religious or non-religious beliefs and prohibit any governmental action that may advance or inhibit such beliefs. This policy is intended to protect the religious rights of students and school personnel, to preserve the separation of church and state and to provide guidance to students and personnel about religion in the public schools.

Notwithstanding any information which may inadvertently still appear in policy, the board of education, administration and staff will recognize the First Amendment rights of students and staff. It is the policy of the board of education not to prevent, or otherwise deny participation in, constitutionally protected prayer in the district's schools, consistent with guidance issued by the U.S. Department of Education and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution. This policy supersedes any other board policy that is inconsistent with it.

Constitutional Standard for Religious Activities

In order to ensure that the school district upholds constitutional standards within the religiously neutral role assigned to public schools, school personnel should ask the following questions of each school-sponsored observance, program, instructional or other activity involving religious content, ceremony or celebration:

1. the *purpose* of the activity and whether purpose secular in nature;
2. the *primary effect* of the activity and whether the activity either advance or inhibit religion;
3. whether the activity involves an *excessive entanglement* with a religion, religious group or between the schools and a religious organization;
4. whether the school district's action constitute *endorsement* of religion or a religious activity; and
5. whether the activity *coerces* students to participate in a religious activity.

If the activity is considered inconsistent with constitutional requirements based upon the standards above and any other applicable legal standards, the activity will not be permitted in the school district. Questions concerning the constitutionality of activities should be forwarded to the superintendent and board attorney for clarification.

The superintendent will draft administrative regulations to implement this policy.

Legal References: Legal References: U.S. Const. amend. I; Equal Access Act, 20 U.S.C. §§4071-4074; N.C. Const. art. I, §14; G.S. 115C-36, -47

Cross References: Board Attorney (policy 2610), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Religious-Based Exemptions from School Programs (policy 3510)

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