

Adopted: _____
Revised: _____

[SCHOOL NAME] POLICY No. 603
RELIGIOUS NONSECTARIAN
INSTRUCTION

I. PURPOSE

The purpose of this policy is to ensure that [SCHOOL NAME] remains neutral with respect to the religious beliefs of students, parents, teachers, and other employees.

II. POLICY STATEMENT

- A. [SCHOOL NAME] will not promote or criticize any religious belief or nonbelief. [SCHOOL NAME] encourages all students and employees to respect each other's individual religious beliefs.
- B. There are historical and contemporary benefits in explaining the origin of various religious holidays, customs, and beliefs. [SCHOOL NAME] will explain these matters in an unbiased manner that does not support or criticize a particular religious view.

III. POLICY TERMS

- A. **Teaching.** [SCHOOL NAME] is responsible for ensuring that any study, performance, and/or display of religious subjects or materials:
 - a. Is presented objectively;
 - b. Has a secular purpose;
 - c. Has a primary objective that neither advances nor inhibits religion; and
 - d. Does not foster governmental relationships with religion.
- B. **Student Assignments.**
 - a. Students may express their personal religious beliefs in assignments if the teacher determines the work is appropriate to the subject matter. The teacher should take into account:
 - i. The relevance of religious expression to the topic and assignment;
 - ii. The substance of the presentation and adherence to the assignment;and

iii. In the case of oral presentations, expression of religious beliefs may not subject other students to unwelcome religious persuasion, coercion, or persecution.

b. If the teacher determines an assignment expressing religious beliefs is appropriate to the subject matter, [SCHOOL NAME] may not reject or penalize a student's work because it encompasses his or her religious beliefs. The assignment will be graded by the same standards as other students' assignments.

C. Absence from School for Religious Observance. [SCHOOL NAME] will make reasonable efforts to accommodate a student who asks to be excused from school for a religious observance.

D. Release from School for Religious Instruction.

a. If a parent, guardian, or person having control of a student chooses to excuse a student from school for religious instruction, the parent may apply to [SCHOOL NAME]'s Board of Directors, principal, or executive director. [SCHOOL NAME] may approve the application if:

- i. The excused absence does not exceed 3 hours per week;
- ii. The religious instruction is conducted and maintained by a church; association of church, or Sunday school incorporated in Minnesota;
- iii. The religious instruction is conducted and maintained at a separate location from [SCHOOL NAME]; and
- iv. The religious instruction is not maintained at public expense.

b. School officials shall neither encourage nor discourage students from utilizing the release policy.

IV. PROCEDURES TO BE DEVELOPED

[SCHOOL NAME] may prepare recommended procedures to handle requests under this policy as necessary. Upon approval by the Board of Directors, such procedures shall be an addendum to this policy.

Legal References: U. S. CONST., amend. I

MINN. CONST. art. I §16

Minn. Stat. § 363A *et. seq.* (Minnesota Human Rights Act)

Minn. Stat. § 124E.03 (Charter Schools; Applicable Law)

Minn. Stat. § 120A.22 subd. 12 (Compulsory Instruction)

Minn. Stat. § 120A.35 (Absence from School for Religious Observance)

School Dist. of Abington Tp., Pa. v. Schempp, 374 U.S. 203 (1963)

Lemon v. Kurtzman, 403 U.S. 602 (1971)

Floery v. Sioux Falls School Dist. 619 F.2d 1311 (8th Cir. 1980)

C.H. ex rel. Z.H. v. Oliva, 226 F.3d 198 (3rd Cir. 2000)

Peck ex rel. Peck v. Baldwinville Central School Dist. 426 F.3d 617 (2nd Cir. 2005)