

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS

The Jersey City Board of Education directs that no religious belief or nonbelief shall be promoted in the regular curriculum or in district-sponsored courses, programs or activities, and none shall be disparaged.

However, the board recognizes that a genuine and broad secular program of education is furthered by advancement of students' knowledge of our society's cultural and religious heritage. Therefore, the several holidays throughout the year that have both a religious and a secular basis may be recognized in the school by use of material having secular or cultural significance.

The instructional program of the school should inform students of the many beliefs and customs stemming from religious, racial, ethnic and cultural heritages. Such instruction should be designed to broaden the students' understanding of and tolerance for the multiple ways of life enjoyed by the peoples of the world.

Songs and customs that have come to us from the various ethnic, religious and racial elements of our population should be used to broaden our students' awareness of the contributions that each segment has made to the composite American culture.

Music, art, literature and drama having religious themes or bases are permitted as part of the curriculum for school-sponsored activities and programs if presented in an objective manner and as a traditional part of the cultural and religious heritage of the particular holiday.

The use of religious symbols such as a cross, menorah, crescent, Star of David, creche, symbols of Native American religions or other symbols that are part of a religious holiday is permitted as a teaching aid or resource, provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature.

Any instruction in the school which may be contrary to a student's religious beliefs and teachings shall be viewed as optional for the student.

The board shall not prevent, or otherwise deny participation in, constitutionally protected prayer in any district school, consistent with guidance issued by the United States Department of Education and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution.

Adopted: March 13, 2008
NJSBA Review/Update: April 2013
Readopted: October 17, 2013

Key Words

Religious Beliefs, Holiday, Religious Symbols

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-16 Rules regarding religious holidays
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:8-3.1 Curriculum and instruction
N.J.A.C. 6A:32-8.3(h) School attendance
U.S.C.A. Const. Amends. 1, 14

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS (continued)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

20 U.S.C.A. 4071 - 4074 - Equal Access Act

Florey v. Sioux Falls School District, 619 F. 2d. 1311 (8th Cir. 1980)

Lynch v. Donnelly, 465 U.S. 668, (1984)

Edwards v. Aguillard, 482 U.S. 578 (1987)

Lee v. Weisman, 505 U.S. 577 (1992)

Cherry Hill Bd. of Ed., 838 F. Supp. 929 (D.N.J. 1993)

American Civil Liberties Union v. Blackhorse Pike Regional Board of Education, 84 F. 3d 1471 (3rd Cir. 1996)

Santa Fe Independent School District v. Doe, 120 S. Ct. 2266 (June 19, 2000)

Good News Club v. Milford Central School, 121 U.S. 2093 (2001)

C.H. v. Oliva, 26 F. 3d 198 (3rd Cir. 2000) *en banc*, *cert. denied*, June 18, 2001

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, United States Department of Education, February 7, 2003

Possible

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| <u>Cross References:</u> | *1330 | Use of school facilities |
| | *5113 | Absences and excuses |
| | *5127 | Commencement activities |
| | *5131 | Conduct/discipline |
| | *6115 | Ceremonies and observances |
| | *6121 | Nondiscrimination/affirmative action |
| | *6144 | Controversial issues |
| | *6161.2 | Complaints regarding instructional materials |

*Indicates policy is included in the Critical Policy Reference Manual.