



**AMERICANS
UNITED**

FOR SEPARATION
OF CHURCH AND STATE

KNOW YOUR RIGHTS

Parents' Rights

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For 75 years, Americans United for Separation of Church and State has represented Americans of all faiths and no religion unifying for the fundamental freedom to live and believe as we choose. This guide was created to help parents Know Your Rights about religious freedom in public schools. We can help you defend those rights: report a violation at <https://www.au.org/report-a-violation/> and we'll be in touch!

COERCION

Coercion is when a person in authority places pressure on your student to engage in religious worship or a religious activity. Coercion may be direct, like benching a football player for not participating in a team prayer, or indirect, like opening a graduation ceremony with prayer and requiring your student to listen or miss graduation. In the case of indirect coercion, school officials will often say things like “nobody is forcing you to pray or listen to the prayer,” as if that makes it okay. It doesn't. Coercion of either kind violates the separation of church and state.

RELIGIOUS CONTENT IN THE CURRICULUM

Public schools may teach factual information about religion, such as including in a history class the role of religion in the settlement of the American colonies or teaching in a geography or social-studies class the main religious groups in a part of the world (and it isn't coercion to have to learn facts about a religion either). Schools may certainly cover how America's founders dealt with the notion of a state-established religion—they rejected it—and the debates over religion that have taken place since. They may even use some religious materials, like the Bible, as part of literary and historic instruction if they present the material objectively and do not attempt to include religious teachings. For example, it would be okay to use the Bible in English class to help explain certain biblical allegories in a book or story.

But the public schools must not teach that a particular religion is true (or false), or that religious doctrines or beliefs are factual. For instance, a school could not legally tell students that God helped Moses part the Red Sea, that Jesus was resurrected, or that Mohammed was visited by an angel. Nor may they encourage students to practice a particular religion or participate in a religious ritual. Public schools are not allowed to teach creationism or intelligent design, because those ideas are fundamentally religious explanations for the beginning of life.

The same rules apply to other school events and activities, such as assemblies, school plays, and field trips.

Music classes generally also follow the same rules. Religious songs may be included in a school choir program, for example, but only if (i) they have instructional value for a particular musical idea or skill, (ii) the performance as a whole is not dominated by religious songs, and (iii) students are allowed to opt out of singing religious songs without penalty.

¹All of this material applies equally to public-school run remote-learning situations.

USE OF HOUSES OF WORSHIP FOR PUBLIC-SCHOOL ACTIVITIES

Public schools should not use houses of worship for school events, activities, or classes. It might be okay for schools to do so if any religious displays or messages are covered, but most of the time that does not happen. If you or your student are at a school activity at a house of worship and you can see religious displays, then the school has violated the separation of church and state.

ACCESS TO SCHOOL PROPERTY

The school cannot allow people to come onto school property during the school day—or even after school if it is during a school activity, like a football practice—to communicate religious messages to students. Schools sometimes allow youth ministers to wander around campus and into locker rooms to preach. This is not okay. The same rules extend to people involved in volunteering for the school, like mentors, tutors, grief counselors, and the like.

As a parent, you should also be aware that there are federal laws prohibiting the school from giving people who aren't school employees certain educational records related to your child. We have seen schools thoughtlessly give this kind of information to youth ministers and other religious figures, so if you suspect that this has happened you should either contact the district administration or professionals like the ones at Americans United.

When school is not in session, the administration may open the building for use by community groups. If it does, religious groups engaging in religious activities may use the facilities on the same terms as other community groups but may not receive special or preferential treatment.

SCHOOL EVENTS WITH RELIGIOUS ACTIVITY OR RELIGIOUS GROUPS

When a public school hosts an assembly, it vouches for the content of the presentation, regardless of whether the presenters are school employees or outside groups or guests. A religious assembly or an assembly that is generally nonreligious but also includes religious content is therefore unconstitutional.

This is also true of any other school event where the school invites a speaker or is involved with the planning or execution of the event. An example would be baccalaureates, which are religious ceremonies for graduating classes that are often run by local churches. If a public school helps to plan, advertise, or run these ceremonies, the school violates the Constitution.

Similarly, schools must not provide funding or advertising² for religious events or religious activities, even if the school is not directly involved with those events or activities. Put another way, a school district may not turn its resources toward helping religious groups spread their views, whether to students directly or to the world at large.

² Note that this limitation relates to the school's creating and/or paying for its own advertising for religious events or groups; the rules may be different when religious groups seek access to, for example, a generally available advertising space, such as buying an ad in a yearbook like any other local business. If you have questions, please contact Americans United.

DISTRIBUTION OF RELIGIOUS MATERIALS

Teachers and other school officials are generally not allowed to give students religious materials at school. They are also not allowed to let outside groups come into the school to give students religious materials. Schools can sometimes include advertisements or fliers for religious events along with fliers for other community groups in packages meant to be sent home to parents, but if your student is given religious materials at school it is usually a good idea to contact Americans United.

When not in class, students may distribute religious materials at school if they do so in a nondisruptive manner and the school similarly allows students to distribute nonreligious materials. But students do not have the right to try to convert or religiously harass unwilling fellow students. If students insist on pushing unwanted religious material onto other students, then the school has an obligation to step in and stop them.

It's rare for a school to allow any kind of distribution of outside materials—religious or not—in class, as distribution of materials is likely to be disruptive in that context. Schools can do this, but they must treat all outside materials the same. Schools may be able to place some additional restrictions on this kind of activity, like requiring disclaimers that the views expressed are not those of the school, depending on the circumstances.

RELIGIOUS ACCOMMODATION

Religious accommodations are exceptions to the school rules that are granted to prevent a particular rule from imposing a religious hardship on a student. Some examples would be giving an excused absence to a student for a religious holiday or allowing a student to wear an article of religious clothing that otherwise would not meet the school's dress code. The general rule here is that schools do not have to provide religious accommodations, but if they choose to do so, then they must treat students of all religious beliefs equally. That means, for example, treating a Wiccan or Jewish student's holiday requests the same as a Christian student's. And in certain circumstances—depending on state law and whether the school grants comparable nonreligious exemptions from a school rule—schools may be required to provide religious accommodations, especially in the context of dress and grooming regulations.

HOLIDAY CELEBRATIONS AND CLOSURES

Public schools may have holiday celebrations, but they cannot be religious celebrations. Only the nonreligious aspects of a holiday may be celebrated by the school. One common example is that courts generally view things like Santa Claus and his reindeer as a nonreligious element of the Christmas holiday, while Jesus, the manger, and the three wise men would be considered religious aspects of that holiday. A school may provide factual information about the religious aspects of a holiday as part of a lesson, as mentioned above in the curriculum section, but must not require or encourage teachers or students to participate in religious activities.

Schools may close for religious holidays only if they use nonreligious criteria—such as expected attendance—to select the days when school is closed. Most commonly, schools will say that they close for major religious holidays like Christmas³ because so many teachers and students would stay home that they cannot effectively run classes.

³ This is just the most common example. If the community is composed mainly of followers of a minority faith, then school could instead close for attendance reasons on holidays of that faith.

RELEASE TIME

Sometimes parents will request that their child be allowed to leave school at certain times during the school week to attend religious instruction. This is called release time, and it is okay for the school to allow, as long as the school does not run the religious classes, the religious classes are not held on school property, and the school does not encourage attendance either directly or by punishing or giving more work to students who do not choose to attend release-time classes. Additionally, students who miss class may be required to make up missed work just as would be any other student with an excused absence.

A final thing for parents to know about release-time classes is that in some states schools are required to allow students to attend these classes when parents make a request. This isn't the case everywhere: it is a matter of state law and differs from place to place. If you have a question about how release-time works where you live, we encourage you to contact Americans United.

LGBTQ ISSUES

Unfortunately, some of the problems that LGBTQ students face at school come about because of prejudice that is supported by certain religious beliefs. As mentioned above, religious students have the right to their beliefs, but they do not have the right to harass other students. Moreover, if the school allows student-run religious clubs or any other clubs not related to the curriculum (like chess club or anime club), then it must allow LGBTQ-focused clubs like Gay-Straight Alliances, even if the school's administrators or other students or parents have religious objections. Religious considerations cannot justify policies that discriminate against LGBTQ students. And teachers may not discriminate against LGBTQ students regardless of the teachers' personal religious beliefs.

Americans United is a religious freedom advocacy organization based in Washington, D.C. Founded in 1947, the nonprofit educates Americans about the importance of church-state separation in safeguarding religious freedom. Learn more at www.au.org.

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