



**AMERICANS
UNITED**

**FOR SEPARATION
OF CHURCH AND STATE**

KNOW YOUR RIGHTS

Students' 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 students 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!

PRAYER IN SCHOOL

Public schools cannot conduct, sponsor, or endorse prayer. That is true whether the prayer is over the intercom or public address system during morning announcements; during class; at assemblies, graduations, or sporting events; or during any other official school activity. School employees cannot give the prayers themselves; they can't invite a parent or clergyman to do it; and they can't encourage students to pray or lead prayer.

You are allowed to pray during the school day pretty much any time that it would not interfere with classes or the smooth running of the school. Silent prayer during class (even—or perhaps especially—during a test!) is allowed, for example. Interrupting the teacher with loud prayers is not. You also don't have the right to harass other students. All students should respect the beliefs of others and shouldn't try to pray with classmates who aren't interested. Otherwise, if the school isn't involved and you have the free time, you can pray.²

STUDENT RELIGIOUS EXPRESSION

You are allowed to express religious views and ideas during school, as mentioned in the prayer section, but there are some areas where the school can limit that expression. For example, it is fine to inject religious ideas and arguments into a classroom assignment as long as you are following the instructions for the assignment. If you're asked to write a paper about a historical figure, then it is okay to write one about Jesus or Mohammed if you choose. But if you are asked to write a paper about Abraham Lincoln, you do not get to write about Jesus or Mohammed instead. If you are asked to explain Darwin's theory of evolution, you do not get to write about biblical creation instead. If you did, the teacher would be justified in giving you a failing grade.

COERCION

Coercion is when a person in authority places pressure on you to engage in worship or another religious activity. Coercion may be direct, like benching a football player for not participating in a team prayer, or indirect, like opening a graduation with prayer and requiring you either to listen or to miss the 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.

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

²The same basic structure generally applies to most student speech. For instance, students may engage in protests or political speech so long as they don't disrupt the school's activities and aren't harassing other students.

RELIGIOUS CONTENT IN THE CURRICULUM

Public schools may teach factual information about religion, such as the role of religion in the settlement of the colonies in a history class, or the dominant religious groups in a part of the world in geography or social studies class (and it isn't coercion to have to learn facts about a religion either). They 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, if they have a nonreligious reason for doing so and limit their teaching to those nonreligious purposes. 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, for example, but only if they are chosen for nonreligious reasons, the performance as a whole is not overwhelmed by religious songs, and students are allowed to opt out of singing religious songs without penalty.

RELIGIOUS CLUBS

Neither the school nor its teachers can run a religious club or include religious content in any other official club. If, however, the school allows students to start and run their own clubs, then students also must be allowed to form religious clubs. If the school requires teacher sponsors for student clubs, then a teacher can be a sponsor for a student-run religious club, but the teacher cannot run, direct, or participate in any religious activities of the club. If the school has a policy that it will officially recognize or fund student clubs only if the clubs don't discriminate in who they allow to join, the religious clubs must follow that same rule and cannot, for example, exclude students based on their sexual orientation, gender identity, religion, or race.

RELIGIOUS DISPLAYS

If you can see a religious display (like a cross, Bible verse, the Ten Commandments, or picture of a religious figure) on school property, then the school has probably violated the separation of church and state. Neither the school nor its employees are allowed to put up those kinds of displays. Sometimes it may be okay if the school creates a place where students can put up a variety of displays and some are religious, but it is best to check with professionals at Americans United if you see a religious display.

USE OF HOUSES OF WORSHIP FOR SCHOOL ACTIVITIES

Public schools should not use houses of worship for school events, activities, or classes. It might be okay for them to do so if they cover up any religious displays or messages, but most of the time that does not happen. If you 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.

DISTRIBUTION OF RELIGIOUS MATERIALS

Teachers and other school officials are generally not allowed to give you religious materials at school. They are also not allowed to let outside groups come into the school to give you religious materials. Schools can sometimes include advertisements or fliers from outside groups for religious events in packages of materials from other outside groups to send home to your parents, but if you are 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. But remember, just like with prayer, you don't have the right to harass other students. If they don't want your materials, move on.

Plus, since distribution of materials is a lot more likely to be a disruptive activity, it's fairly rare for a school to allow any kind of distribution of outside materials—religious or not—in class. Refusing to allow in-class distribution is fine as long as the school treats all outside materials the same.

Schools may be able to place some additional restrictions on outside materials distributed on campus, like requiring disclaimers that the views expressed are not those of the school, depending on the circumstances. Because this can be a tricky subject, if you have any questions about it, please contact Americans United.

RELIGIOUS ACCOMMODATION

Religious accommodations are when you ask for an exception to your school's established rules because a particular rule would create special religious hardships for you. 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 a school's dress code. The general rule here is that schools do not have to provide religious accommodations, but if they do provide them, 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 way as a Christian student's.

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 in the curriculum section, but may not require or encourage students to participate in religious activities or sponsor those activities. Schools may close for religious holidays only if they have a nonreligious reason for doing so. Most commonly, schools will say that they close for major religious holidays like Christmas because so many students and teachers would stay home that they cannot effectively run classes.

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 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 extra assignments to students who do not choose to attend release-time classes.

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 you. Moreover, if the school allows student-run religious clubs, 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. Schools are not allowed to use religious motivations as the basis for policies that discriminate against LGBTQ students. And teachers are not allowed to discriminate against LGBTQ students, regardless of that teacher's 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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