

GUIDELINES FOR
Religious Practices

Religious Practices - Grades K-12 • **Equal Access Act** - Limited Open Forum - Grades 7-12



RICHARDSON INDEPENDENT SCHOOL DISTRICT

To the RISD Staff, Students, and Parents:

This handbook is designed to serve as a guide for all of us in handling religious issues that arise in our schools. The Religious Practices Advisory Committee began as a task force comprised of school patrons, religious leaders, students, and school staff members. The committee, which meets regularly to study these important issues, periodically recommends revisions to the guidelines. The guidelines included in this booklet are aligned with court rulings and support an approach of neutrality, inclusion, and respect within our culturally diverse community.

The handbook includes:

- Mission Statement
- Principles Relating to Religious Practices
- Religious Practices
 - Religious Content in the Instructional Setting
 - Religious Music
 - Baccalaureate
- Limited Open Forum Policies
- Complaint Procedure
- Sample Complaint Form

In accordance with the federal Equal Access Act, the Board of Trustees created a limited open forum for all students in our secondary schools. Policies concerning the District's limited open forum also apply to issues other than religious ones. The second part of this handbook describes the guidelines, rules, and regulations associated with the limited open forum. A complaint procedure and sample form is also included.

Please read the guidelines and familiarize yourself with them. The district is grateful for the continued commitment and willingness of the task force to support our RISD community and to come together in this worthy endeavor. These guidelines are being reviewed on a continual basis by this broad-based task force to ensure that we find a common ground when dealing with religious issues.

MISSION STATEMENT

The Richardson Independent School District recognizes the value of advancing students' knowledge and appreciation of the role that religious heritage has played in the social, cultural, and historical development of civilization, and developing the students' understanding and respect for religious differences in America.

PRINCIPLES RELATING TO RELIGIOUS PRACTICES

In accomplishing the mission statement's goals, the District may permit studies about religion but may not sponsor the practices of religion.

The First Amendment of the United States Constitution states:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."

The U.S. Supreme Court has interpreted the First Amendment to require the state to maintain a wholesome neutrality in its interaction with religion in our pluralistic democratic society. The United States Court of Appeals for the Fifth Circuit, which has jurisdiction over Texas, has developed five guidelines based on Supreme Court doctrine for determining the appropriateness and/or legality of any specific school-sponsored activity. *First*, the activity must be one that accomplishes the Richardson Independent School District's legislative purpose, namely education. *Second*, the activity's principal or primary effort must neither advance nor inhibit religion. *Third*, the activity must not require or encourage excessive involvement with religion on the part of the District. *Fourth*, the activity must not give the appearance of an endorsement of religion by the District or its employees. And *fifth*, the activity must not coerce students to participate in a religious activity [*Jones v. Clear Creek ISD*, 977 F.2d 963 (Fifth Circuit, 1992)].

While the District may not sponsor or endorse religion, it recognizes the right of each student and school employee to the free exercise of religion, subject to the provisions of this handbook. Further, under the Texas Religious Freedom Restoration Act, the District must establish a compelling purpose when it substantially burdens a person's free exercise of religion and must show that the means it uses to accomplish the purpose is the least restrictive way of doing so.

The provisions set forth in this handbook reflect the decisions reached by the U.S.

Supreme Court and the U.S. Court of Appeals for the Fifth Circuit, as well as Texas state law.

No religious belief or non-belief shall be promoted by the Richardson Independent School District, and none shall be disparaged. The Richardson Independent School District shall encourage all students and staff members to appreciate and be respectful of each other's religious views. The District shall use every opportunity to foster understanding and mutual respect among students and parents regarding race, culture, economic background, and religious belief. Fostering high ideals, consideration for others, moral standards, patriotism, justice, and basic values such as love, compassion, family ties, peace, honesty, and goodwill toward all persons is not in conflict with the principles of religious liberty and government neutrality toward religion. The District shall make constructive contributions to the well-being of the community by sharing with families the responsibility of preparing students for participation in a pluralistic society.

Following are specific provisions based upon the preceding principles and federal and state law. This list is not meant to be all inclusive. These provisions, as well as issues not covered in this handbook, should be interpreted in accordance with the preceding principles.

RELIGIOUS PRACTICES

PRAYER

The following shall apply:

1. The District shall permit private, voluntary prayer or meditation by individuals. Such activity shall not be disruptive or interfere with the rights of others.
2. The District and its employees shall not compose, sponsor, lead, encourage, suggest, or provide the means for the recitation of prayers in school facilities during school hours or before, during, or after any school-sponsored public athletic or extracurricular event.
3. The District shall not permit the recitation of student-initiated public prayers as part of an organized class, team, or school-sponsored activity [*Ingebretsen v. Jackson Public School District*, Fifth Circuit, 1996, *Doe v. Santa Fe ISD*, Fifth Circuit, 1999]. However, nothing prohibits students from engaging in voluntary private individual or group prayer that does not occur under the sponsorship or involvement of the District or its employees [*Doe v. Duncanville ISD*, Fifth Circuit, 1995]. Thus, a student or group of students may elect to say a private prayer not under school sponsorship before lunch or before an athletic contest.

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4. School personnel, while representing the District, shall not audibly pray with or in the presence of their students. However, district employees shall treat voluntary student private prayer with respect.

RELIGIOUS TEXTS

The following shall apply:

1. The reading from religious texts during instructional time shall be permitted for instructional and literary purposes. The readings shall not be used for promoting religious beliefs or for devotional purposes.
2. The District shall permit the private, voluntary reading of religious texts by students as long as it does not interfere with the educational process. As district representatives and public employees, Richardson ISD employees must remain neutral in matters involving religion and avoid any action that has the effect of advancing religious beliefs at school.
3. The distribution of religious literature by an individual student in the District shall be permitted as long as the distribution does not interfere with the educational process and complies with other District policies [see FNAA].
4. The distribution of religious literature on campus or at school sponsored activities by District employees shall be prohibited.

RELIGIOUS CONTENT IN THE INSTRUCTIONAL SETTING

The following shall apply:

1. Curriculum content pertaining to religion may be presented as part of a secular program of education. Such content may not be taught with the intent of promoting or denigrating any particular religion.
2. The study of religious observances may be included in the curriculum as an opportunity for teaching about religions. Recognition of and information about such holy days shall focus on their educational aspects. Such study serves the academic goals of educating students about history and cultures, as well as fostering among students understanding and mutual respect within a pluralistic society.
3. The use of religious symbols is permitted as a teaching aid or resource, provided such symbols are used as examples of cultural and religious heritage. Their display and use shall be limited to the specific teaching activity and shall not be used for devotional or proselytizing purposes.
4. Student papers and presentations on religious topics are permitted as part of a secular program of instruction. Students may express their opinions about religion in the form of homework, artwork, and other assignments provided they fulfill the purpose of the classroom assignment. Student work

containing religious content should be evaluated by ordinary academic standards of substance and relevance and in accordance with other legitimate pedagogical concerns of the teacher and school.

At all grade levels, the classroom teacher is responsible for setting guidelines to ensure that the content of all student papers and presentations is relevant to the curriculum. At the elementary level, teachers will make special effort to anticipate and prevent situations in which the religious content of a student presentation is likely to offend, confuse, or cause discomfort to impressionable students.

STUDENT EXEMPTIONS

State law entitles a parent to request in writing that his or her child be exempted from the classroom or other school activity that conflicts with the parent's religious or moral beliefs, provided that the purpose is not to avoid a test or to prevent the student from taking a subject for the semester.

Students shall be excused without penalty from required participation in a school-sponsored program or event if participation is in conflict with their religious beliefs.

RELIGIOUS ATTIRE

Dress required by religious customs shall be permitted. If a student's dress could cause a safety hazard in a particular activity, an alternative activity shall be substituted for that student. District personnel may wear religious symbols provided that the symbols do not serve to advance religious beliefs in a way to jeopardize the district's neutrality toward religion.

RELIGIOUS OBSERVANCES

The following shall apply:

1. The cultural and historical aspects of religious holy days and their meaning may be taught, but such holy days may not be recognized with religious observances by school personnel.
2. The District calendar should be prepared to minimize conflicts with religious observances of all faiths.
3. Students shall be excused from class for religious observances and shall not be penalized or deprived of reasonable make-up opportunities for such observances [see FEB]. Excusal includes travel days to and from the observance. District employees who are absent for religious observance shall be granted leave without pay unless they wish to use their unused personal business leave for this purpose [see DEC].

RELIGIOUS SYMBOLS AS DECORATIONS

Religious symbols may not be displayed in school as decorations and may be displayed only on a temporary basis as part of the academic program [see also *Religious Attire* in this handbook].

RELIGIOUS MUSIC

Religious music may be performed by district bands, choirs, and orchestras as part of an academic program of instruction. When planning and presenting performances that include religious music, District personnel must make all reasonable efforts to provide a balanced presentation of secular and religious music from a variety of traditions throughout the course of the school year.

Students may present a musical work with a religious theme in class or as part of a special performance, variety, or talent show, etc., as long as such selections are consistent with the purpose or theme of the assignment or presentation.

Student selections are permitted based upon ordinary academic standards and relevance in accordance with other pedagogical concerns of the teacher and school.

STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

The District shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint or an otherwise permissible subject and shall not discriminate against a student based on the student's expression of a religious viewpoint on an otherwise permissible subject.

In 2007, the Texas Legislature amended the Texas Education Code to add the Religious Viewpoint Antidiscrimination Act (RVAA) which prohibits discrimination against students who express a religious viewpoint when speaking publicly and requires a school district to recognize a limited public forum for student speakers at school events at which students will speak publicly. The District adopted revisions to policy FNA (Local) Student Rights and Responsibilities: Student Expression and FMH (Local) Student Activities: Commencement to implement the requirements of the RVAA. Policy FNA (Local) addresses situations where students speak publicly at graduation and non-graduation events and creates a limited public forum for student speech at such events and sets out guidelines that apply to students' public speech at the events. To ensure that there is no confusion about the fact that the District does not sponsor students' private speech, a written or oral disclaimer shall be included at the graduation and non-graduation school events where students may speak publicly.

BACCALAUREATE SERVICES

Baccalaureate, as a religious service, is not sponsored or organized by the District. However, individual schools may sponsor a secular graduation celebratory event. Attendance at such an event shall be optional and voluntary. The event, including the farewell address, shall be motivational and celebratory in character. The event is to be initiated and planned by students in coordination with a faculty advisor who shall assure that the event complies with District policies. If a school sponsors such an event, the selection of any student speakers and the content of their speech must comply with Board Policy FNA (Local).

COMMENCEMENT CEREMONIES

Commencement is a secular celebration of the culmination of study leading to graduation. School personnel may not invite clergy to lead an invocation and/or benediction or to present an address at school commencement ceremonies. The selection of any students who will speak publicly and the content of their speech shall comply with policy FNA (Local).

SPECIAL PROGRAMS OR EVENTS

Content of school-sponsored programs and events shall be secular in purpose and effect and shall not promote or denigrate any particular religion. Such programs or events shall reflect a sensitivity to religious diversity within a pluralistic society. Students shall be excused without penalty from participation in such events if participation is in conflict with their religious beliefs.

OTHER PROGRAMS OR STUDENT EVENTS

For local provisions on the content of school-sponsored programs as it relates to neutrality in religious matters see FM (Local).

GUIDELINES FOR VISITORS

Visitors who represent or act as proponents of a religious, political, or philosophical viewpoint shall be allowed only as invited guests of a specific student or small number of students, provided that such visits are consistent with general school policies regarding visitors.

A visitor may not attempt to influence students as to a particular religious, political, or philosophical viewpoint.

This policy is designed not to interfere with the students' right to maintain personal relationships or to restrain free speech, but to prohibit visitors from using such visits as a platform for proselytizing religious beliefs to students. Visitors must also refrain from

any conduct that implies, directly or indirectly, school support for or endorsement of a religious message or a religious viewpoint.

RENTAL OF DISTRICT FACILITIES BY RELIGIOUS ORGANIZATIONS

The District facilities may be rented for purposes of religious worship or religious teaching by religious organizations or groups only if such facilities are made available under the District's general policies applicable to non-school organizations or groups. In this context, the policy shall permit the use of such facilities by staff and students acting as private individuals. In all circumstances, District facilities may be used for religious activities only if the activities:

- Are held outside of normal school hours
- Are not promoted or encouraged by the District; and
- Do not require the expenditure of public funds.

STUDENT RELIGIOUS GROUPS

Student religious groups may not be school sponsored and District employees may not participate in their affairs. However, such groups may be granted access to the secondary school campus and to school media under the terms of the federal equal access act discussed in the section "*Limited Open Forum Policies for Non-Curriculum-Related Student Groups*" in this handbook.

LIMITED OPEN FORUM POLICIES FOR NONCURRICULUM-RELATED STUDENT GROUPS

Curriculum-related groups and clubs may be sponsored and promoted by the school. This section does not apply to such curriculum-related groups and clubs.

For purposes of the Federal Equal Access Act, the Board has created a limited open forum at the District's secondary schools so that non-curriculum-related student groups may meet on school premises during non-instructional time [see District policy FNAB and FM (Local)]. As interpreted by the U. S. Supreme Court in *Board of Education of Westside Community Schools v. Mergens*, a non-curriculum-related student group is a student group that is not related to the school curriculum because the subject matter is not taught, the subject matter does not relate to the curriculum in general, participation is not required for a course, or participation does not convey academic credit. Each secondary school principal shall set aside non-instructional time before or after actual classroom instruction begins or ends for meetings of non-curriculum-related student groups. This time period includes an activities period when instruction is not occurring.

Student Requests for Access to the Campus

Students in secondary grades (7-12) who want to form a non-curriculum related group and to meet on school premises shall file a written request with the campus principal. That request shall contain a brief statement of the group's purposes and goals, a list of the group's members, and a schedule of its proposed meeting times. The non-curriculum-related student group must agree to have a monitor (a District employee who is appointed by the principal) who will attend all meetings and activities for custodial purposes. Requests shall be approved by the principal and Superintendent subject to the availability of suitable meeting space and without regard to the religious, political, philosophical, or other content of the speech likely to be associated with the group's meetings. The District and its personnel may not limit the rights of non-curricular-related student groups that are not of a specific size (no minimum).

Staff Participation

Non-curriculum-related student groups must be student-initiated, voluntary, and student-led. The District and its employees are prohibited from sponsoring meetings of non-curricular-related student groups and may be present at religious meetings only in a non-participatory capacity. The

District and its personnel are prohibited from influencing the form or content of prayer or other religious activity or from requiring any person to participate in prayer or other religious activity at a meeting of a student religious group.

Monitors

A "monitor" is defined as a District employee appointed by the principal who attends all meetings and activities of non-curriculum-related student groups. No employee of the District may be required to accept appointment as a monitor if the purpose of the organization is contrary to the beliefs of the employee. District monitors shall be present at religious meetings only in a non-participatory capacity.

Notice of Meetings

Notice of meetings of non-curriculum-related groups may only be posted in a central area(s) designated by the principal. Such notices may only include the name of the non-curriculum group, date, time, and location of the meeting and a statement that the group is non-school sponsored. Posting of meeting notices in other parts of the building not approved by the principal are prohibited.

Involvement of Non-School Persons

Non-school persons only may attend or make presentations at meetings of non-curriculum-related groups with approval of the principal. The principal reserves the right to limit the number of times a non-school person(s) may attend a meeting of the group.

Recognition of Student Groups

Non-curriculum-related student groups may be recognized in the school yearbook, provided the recognition is in a section of the yearbook that is separate from curriculum-related groups and is clearly delineated for non-curriculum-related student groups.

Nondiscrimination

Non-curriculum-related student groups may not abridge the constitutional rights of any person, nor discriminate against any person on the basis of race, color, religion, gender, national origin, or disability.

Rules for Meetings

Meetings of non-curriculum-related student groups granted access to the

school during non instructional time must conform to the provisions listed in this handbook and are subject to the following additional rules:

1. The principal or designee shall assign the specific space to be used for the meeting and shall approve in writing the use of the space to the initiating student(s). A yearly calendar of meetings shall be submitted in advance to the principal or designee for approval and the monitor shall keep a log of all such meetings.
2. Notices of meetings shall conform to the notice requirement in the previous section and shall state that such meetings are non-school-sponsored. Organizations shall identify the nature of their group in all publicity.
3. The meeting shall be voluntary and initiated by a student enrolled in that school.
4. The meeting shall not be sponsored by the District or its employees. District monitors shall be present at religious meetings only in a non-participatory capacity.
5. The meeting shall not materially and substantially interfere with the orderly conduct of educational activities within the school.
6. The meeting shall not require expenditure of public funds beyond the incidental cost of providing the space for student-initiated meetings. The meeting shall not result in additional or special student transportation provided at District expense.
7. The cost of repair of any damage to District property, as well as to teachers' and students' property, incurred during such meetings shall be borne by the person(s) responsible and may result in denial of future access to the building.
8. Nothing in this section shall be construed to limit the authority of the school principal to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

Violations

Failure of a non-curriculum-related student group to comply with applicable rules may result in its loss of rights to meet on school premises. The principal shall report rule violations to the Superintendent.

After a fair determination of the facts concerning rule violations, the principal or Superintendent may decide to suspend the non-curriculum-related student group's rights to meet on school premises for the balance of the school year or some lesser time period, depending upon the seriousness of the violations.

If a determination to suspend a group occurs during the last six-week reporting period of the school year, the suspension may be extended through the end of the first semester of the next school year. Suspensions or warnings imposed by the Superintendent may be appealed to the Board in accordance with District policy [see FNG (Local)].

COMPLAINTS ABOUT RELIGIOUS PRACTICES

The District respects the rights of all persons to freely exercise their religious beliefs. As a governmental agency, RISD must comply with federal and state constitutions, laws, and regulations governing District policy and religious practices in our schools. From time to time, concerns or conflicts about religious issues may arise and RISD is committed to working to resolve any such issues in a satisfactory manner.

Any person who has a concern about the manner in which the District handles matters arising under the RISD Guidelines for Religious Practices is encouraged to discuss his or her concern with the principal or other appropriate administrator to attempt to reach an informal resolution of the concern. If the results of the informal discussion are not satisfactory, the person may bring a grievance through one of the District's grievance policies, as applicable.

FNG (Local) Parent and Student Complaint Policy

DGBA (Local) Employee Complaint Policy

GF (Local) Public Complaint Policy

It is the District's desire to address concerns promptly and at the lowest administrative level possible. Thus, each grievance policy sets out a progressive, three-level process under which complaints may be resolved. These levels will vary according to the type of complaint, however all complaints can progress from the school level to the superintendent or designee and finally to the RISD Board of Trustees, as necessary. Specific timelines are observed in handling formal grievances.

Copies of the District's complaint policies may be obtained upon request from the Office of Records Management or from the schools or from the chair of the RISD Religious Practices Advisory Committee. To obtain contact information, please call 469-593-0000.

Appendix

Richardson ISD
Religious Practices Advisory Committee

***OVERVIEW OF COMMITTEE
PURPOSE, STRUCTURE,
AND MEMBERSHIP***

Mission Statement/Statement of Principles

The Richardson Independent School District recognizes the value of advancing students' knowledge and appreciation of the role that religious heritage has played in the social, cultural, and historical development of civilization, and developing the students' understanding and respect of religious differences in America.

History of Religious Practices Advisory Committee

In 1988-89 Richardson ISD created a task force to formulate guidelines governing religious practices in RISD. The resulting *Religious Practices Guidelines* have served to provide information about and address religious issues in the RISD community since that time. The task force was reconstituted in 1999, eventually evolving into its present form as the Religious Practice Advisory Committee (RPAC). Membership of the committee reflects a diversity of religious leaders, parents, administrators, teachers, and students from all quadrants of the district.

Committee Purpose and Function

The purpose of RPAC is to foster a neutral venue in the RISD community that carefully considers and discusses issues relating to the exercise of religion in public schools and the interchange between religious freedom and district policy and practices. The committee has been charged with:

1. Serving in an advisory capacity to the superintendent to proactively meet the challenges presented by religious diversity in the RISD community;
2. Reviewing the *Guidelines*, legal issues, policies, and practices from time to time as the superintendent deems necessary;
3. Acting as an informal forum in the resolution of religious concerns in the event a complaint is filed;
4. Providing the superintendent with input on staff development or teachers and administrators in the arena of religious liberties; and
5. Communicating and representing RISD goals concerning religious practices to the broader community.

The Religious Practices Advisory Committee is not a final decision-making entity and does not set policy. Recommendations for consideration by the superintendent are reached by consensus. Discussions and discourse during meetings are respectful of differing viewpoints and based on a shared understanding of the District's mission and goals, free from discriminatory bias and without moral judgment. Finding common ground and establishing a climate of trust are essential to the success of the work of the committee. Varying perspectives are given a fair hearing and policy recommendations are shaped by a broad cross-section of the community.

Membership Composition/Committee Structure

The size of the committee is flexible, having between 30-50 active members. Community members are appointed by the superintendent to a one-year term. Every effort is made to appoint members of the committee representing a diversity of faiths without placing quotas on the representative groups.

Teacher/Administration Members

The committee seeks a balanced membership among the attendance areas and grade levels. At least one secondary principal and one elementary principal will be appointed each year. Teacher appointments will include secondary and elementary levels and reflect classroom as well as special-area teachers (such as music, theater, and art).

Student Membership

Each high school shall have two to four student representatives on the committee, preferably at least one junior and one senior, suggested by the principal. Students are appointed for a two-year term beginning in their junior year. Graduating seniors may provide suggestions to the principal regarding appointment of new students for the following year.

Meetings

All committee meetings are closed. The committee is not a governmental body and is not subject to the Texas Open Meetings Act. Community members and guests may address the committee for the purpose of expressing concerns during the first 15 minutes of the meeting with advance notice to and approval from the chairman.

Hearing Committee

The superintendent may call upon a standing committee from RPAC to serve as an informal advisory forum to hear issues and explore resolutions with the superintendent or other hearing officer(s) in the event a formal complaint about religious practices is filed. The standing committee will be appointed as needed in an ongoing ad hoc basis consisting of five to seven members. It will be drawn from those members of

RPAC who have previously expressed an interest in serving in such a role. The standing committee will represent a variety of faiths, quadrants of the district, and length of service on the committee and will not meet face-to-face with the complainant, but will serve in an advisory capacity only.

Attendance requirements

Attendance at meetings is important for continuity of discussion. Members are required to attend at least two meetings over the course of the year or be placed on resource status.

Agenda/Minutes

An agenda will be sent to members prior to each meeting. Suggestions for agenda items for discussion from committee members or the community at-large may be made in writing to the chairman. Following each meeting, minutes will be sent to committee members, the superintendent, and Board of Trustees.

Confidentiality/Discretion

RPAC may be asked to consider sensitive issues or matters of interest to the media and/or community groups. RPAC members are encouraged to freely express their opinions during meetings, but to exercise discretion if requested to comment to other individuals or groups regarding committee proceedings. In order for the committee to establish the level of trust required for honest discourse, individual members must be confident they will not be quoted outside committee discussions. Likewise, individual member opinions or comments to the media or outside groups may be misconstrued to represent the view of the full committee. Request for comment by outside persons should be dealt with in general terms that emphasize the advisory capacity of the committee in its role in making recommendations to the superintendent on matters of religion and public policy. To the extent a public statement is needed, it will come through the committee chair.