

Religious Expression in North Carolina Public Schools

The United States Constitution guarantees religious liberty through the First Amendment which says that the government "...shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."

Both parts of this guarantee of religious liberty--the Establishment Clause and the Free Exercise Clause--apply to public schools because public schools are entities of the government.

Public schools are not required to be "religion-free zones." The Constitution, Congress, and the Courts permit a wide range of voluntary religious activity in and around public schools. An individual's right derived from the Free Exercise Clause to engage in religious activities in school or on school property must frequently be balanced with the Establishment Clause and the necessity of maintaining public schools for their intended educational purposes. The proper balance between these competing interests is the subject of constant judicial review.

The following questions are frequently asked by school officials and others. The answers reflect the law as established by U.S. Supreme Court decisions and federal statutes.

Q. May students and teachers pray and engage in religious discussion while at school?

A. Yes. The Supreme Court has said students have the same right to engage in individual or group prayer and religious discussion on their own time during the school day as they do to engage in other comparable, non-disruptive activities. For example, students may read their Bibles or other scriptures during free periods and lunch, say grace before meals, and pray before tests.

When teachers and administrators are not acting in their official capacities, such as in the teachers' lounge when they are "off-duty," they may express their religious views and pray in a non-disruptive manner. However, teachers and administrators may not encourage or discourage students' religious activity, nor may they participate in such activity while acting in their official capacities.

Q. May a student include his or her religious beliefs in assignments?

A. Yes. Students may express their beliefs about religion in the form of homework, artwork and other written and oral assignments free of discrimination based on the religious content of their submissions. Teachers are free to grade assignments in accordance with the ordinary academic standards of substance and relevance.

Q. May students distribute religious literature at school?

A. Yes. Students have a right to distribute religious literature on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities. School officials may only impose the same reasonable time, place and manner or other constitutional restrictions on distribution of religious literature as they do on non-school literature generally. They may not single out religious literature for special regulation or permission.

Q. What happens if a student or his or her parent objects to the content of a particular lesson on religious grounds?

A. School officials have the authority to excuse students from lessons that are objectionable to either the student or their parents on religious or other conscientious grounds.

Q. May students be released from school to participate in off-campus religious activities?

A. Yes. School officials have the authority to grant reasonable requests for permission to attend off-premises religious instruction, provided that schools do not encourage or discourage participation or penalize those who do not attend.

Q. What if students want to wear religious attire to school?

A. School officials may enforce neutral dress codes of general applicability and the requirement of uniforms may be enforced as long as the burden to any affected religious practice is incidental. Religious attire may not be singled out for suppression but is subject to the same rules as generally apply to comparable non-religious attire.

Q. May schools teach about religious holidays?

A. Yes. Public schools may teach about religious holidays, including their religious aspects, and may celebrate the secular aspects of holidays. Schools may not, however, observe holidays as religious events or promote such observance by students.

Q. What aspects of religion may teachers discuss in the classroom?

A. Permissible instruction may include discussions about the history of religion; comparative religion; religious writings as literature; and the role of religion in history.

Q. Can public school teachers discuss moral values in the classroom if those values are also held by a particular religion?

A. Yes. Schools may play an active role with respect to teaching about civic values and the moral code that holds us together as a society. The fact that some of these values are held also by religions does not make it unlawful to teach them in school.

Q. May student-run religious groups meet at school?

A. Yes. The federal Equal Access Act provides that student-run religious groups at public schools have the same right of access to school facilities as is enjoyed by other comparable non-curriculum student groups.

Q. May non-student-run religious groups meet at school?

A. Yes. If a school generally opens its facilities to private groups, it must make its facilities available on the same terms to religious groups. At the same time, a school may not extend preferential treatment to religious groups.

Q. May these meetings be announced in the school newspaper or over the public address system?

A. Yes. Any policy concerning the use of school media must be applied to all non-curriculum-related student groups, including religious groups, in a non-discriminatory manner. Schools, however, may inform students that certain groups are not school-sponsored.

For further information, please contact either the Education Section at (919) 716-6920 or the Citizens' Rights Section at (919) 716-6780.

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