



2000 - Operations

70 - Religious Freedom Policy

1. Purpose and Philosophy

Providence Hall Charter School (PHCS) promotes mutual understanding and respect for the interests and rights of all individuals regarding their beliefs, values, and customs. Specifically, it is PHCS' purpose to have a policy that:

- 1.1. Fosters knowledge and understanding about, and sensitivity toward, religious differences and the role of religion in a diverse, contemporary society.
- 1.2. Allows student and employee religious expression and freedom of speech within the parameters of existing state and federal law.
- 1.3. Supports a climate of academic freedom in which religious ideas and organizations can be discussed in an objective way, for their educational value, with emphasis on the impact of religions on history, literature, art, music, morality, and other key social institutions.
- 1.4. Requires official neutrality on the part of teachers, administrators, other school employees, and volunteers regarding religious activity when acting in their official capacities.
- 1.5. Promotes constructive dialogue between PHCS and the community regarding religion.
- 1.6. Encourages educators and all members of the PHCS community to engage in persistent efforts to eliminate prejudice, build trust, work toward consensus, and resolve disputes over religious issues in schools promptly, equitably, sensitively, and with civility at the local level.

2. Policy

- 2.1. It is PHCS policy to comply with existing state and federal law regarding religion and religious expression in public schools.
- 2.2. Specifically, it is PHCS policy to
 - 2.2.1. Allow students and employees to engage in expression of personal religious views or beliefs within the parameters of current law.
 - 2.2.2. Maintain official neutrality regarding sectarian religious issues. PHCS will neither advance nor inhibit religion.
- 2.3. It is also PHCS policy to take all reasonable steps to resolve disputes over religious issues in schools promptly, equitably, and with civility.

3. Student Expression of Personal Beliefs or Views

3.1. ***Non-Discrimination***

PHCS will not forbid students acting on their own from expressing their personal religious views or beliefs solely because they are of a religious nature and will may not discriminate against private religious expression by students, but will instead give students the same right to engage in religious activity and discussion as they have to engage in other comparable activity.

3.2. ***Freedom to Act***

While the freedom to believe is absolute, the freedom to act on a belief is not. In order to claim a violation of the Free Exercise protections of the First Amendment and this policy, a person must show that his or her actions

- 3.2.1. are motivated by a sincere religious belief, and
- 3.2.2. have been substantially burdened by PHCS officials or PHCS.



3.3. ***Least Restrictive Means***

If an individual can show that his or her actions are motivated by a sincere religious belief and have been substantially burdened by PHCS officials or PHCS, PHCS officials can still regulate the conduct if they have a compelling interest and pursue such interest in the manner least restrictive of the individual's religion.

3.4. ***Student Religious Expression During Discretionary Time***

- 3.4.1. Free exercise of religious practices or freedom of speech by students during discretionary time shall not be denied unless the conduct or speech unreasonably interferes with the ability of PHCS officials to maintain order and discipline, violates PHCS rules, impinges on the rights of others, unreasonably endangers persons or property, creates a coercive atmosphere, or violates concepts of civility or propriety appropriate to the PHCS setting.
- 3.4.2. Student conduct or speech of a personal religious nature that may not be prohibited unless it violates the standards above, includes, but is not limited to
 - 3.4.2.1. Reading the Bible or other scriptures
 - 3.4.2.2. Saying grace
 - 3.4.2.3. Praying with friends in cafeterias, hallways, around flagpoles, or at athletic contests and other extracurricular activities
 - 3.4.2.4. Discussing religious views with other students, or attempting to persuade peers about religious topics, as long as the persuasive speech does not constitute harassment

3.5. ***Organized Prayer Groups and Religious Clubs***

Students may organize prayer groups, religious clubs, and other gatherings before and after school to the same extent that students are permitted to organize other non-curricular student activity groups and clubs. Such groups and clubs must be given the same access to PHCS facilities for assembling as is given to other noncurricular groups, without discrimination because of the religious content of their expressions.

3.6. ***Student Religious Expression During Instructional Time***

- 3.6.1. Students participating in PHCS sponsored learning activities shall not be prohibited from expressing personal religious beliefs or be penalized for so doing, unless the expression unreasonably interferes with the ability of PHCS officials to maintain order and discipline, violates PHCS rules, impinges on the rights of others, unreasonably endangers persons or property, creates a coercive atmosphere, or violates concepts of civility or propriety appropriate to the PHCS setting.
- 3.6.2. Student religious conduct or expression that may not be prohibited in homework, classroom discussions, presentations, assignments, or PHCS sponsored activities, unless it violates the standards above, includes but is not limited to
 - 3.6.2.1. Submitting homework, artwork, or other assignments with religious content.
 - 3.6.2.2. Giving class presentations with religious content that are relevant to the curriculum and matter being discussed.
 - 3.6.2.3. Making religious remarks or asking questions about religion in the ordinary course of classroom discussion.
 - 3.6.2.4. Asking questions of students or PHCS employees regarding their religious beliefs or views.



4. Religious Clothing and Apparel

- 4.1. Because dress is a form of individual expression, any prohibition or regulation of religious clothing or apparel must be consistent with the PHCS dress and uniform standard (including standards for “free dress days,” done in the least restrictive manner possible to accomplish PHCS objectives of maintaining a safe and orderly school environment.
- 4.2. PHCS officials should also be sensitive and appropriately accommodate students who request not to wear certain gym clothes that they regard, on religious grounds, as immodest.

5. Moment of Silence in Classrooms

- 5.1. In accordance with Utah law, teachers may provide for the observance of a period of silence in the classroom each school day. However, teachers and other PHCS officials must maintain official neutrality by neither encouraging nor discouraging prayer nor other religious exercise during the moment of silence.
- 5.2. Under PHCS policy teachers and other PHCS officials may not organize, endorse, or encourage prayer exercises in the classroom. Teachers and other PHCS officials must supervise during this time.

6. Extra-Curricular Activities

6.1. *Moment of Silence*

- 6.1.1. Students may elect to hold a moment of silence as part of graduation or other extracurricular ceremonies or activities.
- 6.1.2. A moment of silence may only be initiated and conducted by students, and shall not be used as a forum for vocal prayer or other religious exercise, but rather as an opportunity for those in attendance to participate in a quiet moment according to the dictates of their own conscience.
- 6.1.3. During a moment of silence and all other religious activities associated with graduation, school officials shall maintain official neutrality.

6.2. *Prayers by Non-Students Prohibited at Athletic Contests and Other Extracurricular Events*

- 6.2.1. Consistent with the general policy on school-sanctioned prayers, it is PHCS policy to prohibit prayers initiated or led by coaches, parents/guardians, clergy, or other non-students prior to, during, or after athletic contests and other extracurricular events.
- 6.2.2. Students may pray together at such events consistent with the guidance outlined in Section 5.1. of this policy.
- 6.2.3. Coaches, administrators, and other PHCS officials may be present during student prayers to supervise, but should in no way participate in or encourage prayer exercises.
- 6.2.4. PHCS officials should take steps to prevent any activity from being coercive or harassing.

7. Distribution of Religious Materials on School Grounds

- 7.1. Non-school sponsored organizations and non-students may only distribute literature or other materials in PHCS schools or on PHCS grounds in accordance with reasonable time, place, and manner restrictions imposed by PHCS.
- 7.2. Students may distribute literature unrelated to school curriculum or activities only at reasonable times, places, and manners designated by PHCS.



7.3. Religious tracts, books, or literature may not be singled out for special regulation or prohibition based on content, but is subject to reasonable time, place and manner restrictions imposed by PHCS on other non-PHCS related literature.

8. Employee Expression of Personal Religious Beliefs

8.1. *Official Neutrality*

8.1.1. All PHCS employees must maintain strict neutrality when acting in their official capacities.

8.1.2. An employee's rights relating to voluntary religious practices and freedom of speech do not include proselytizing of any student regarding atheistic, agnostic, sectarian, religious, or denominational doctrine while the employee is acting in the employee's official capacity, nor may an employee attempt to use his or her position to influence a student regarding the student's religious beliefs or lack thereof.

8.2. *Response to Questions*

8.2.1. If a student asks an employee about that employee's personal religious beliefs, the employee may choose not to respond out of professional respect for the student's freedom of conscience or personal beliefs. However, while acting in an official capacity, an employee may respond in an appropriate and restrained manner to a spontaneous question from a student regarding the employee's personal religious beliefs or perspectives.

8.2.2. Because of the special position of trust held by PHCS employees, employees may not advocate or encourage acceptance of specific religious beliefs or perspectives; but may, by exercising due caution, explain or define personal religious beliefs or perspectives.

8.3. *Reasonable Accommodations*

It is PHCS policy to reasonably accommodate an employee's or prospective employee's religious dress, observance or practice whenever such accommodation can be made without undue hardship on the conduct of the PHCS' business.

9. Volunteers

9.1. PHCS prohibits discrimination on the basis of religion against any group or individual desiring to volunteer in PHCS.

9.2. Volunteers must maintain strict neutrality regarding religion while performing volunteer work for PHCS.

9.3. Volunteers are prohibited from engaging in proselytizing activities or recruiting activities of any type on PHCS grounds or in conjunction with any PHCS activity, and must strictly follow the directions given them by PHCS officials.

9.4. Religious apparel is permissible if it is required by a person's religion, is part of the person's ordinary work dress and would not be disruptive of the PHCS environment and does not contain a proselytizing message.

9.5. Volunteers, including those from religious organizations, serving in PHCS schools, and interacting directly with students on a regular basis, shall wear a PHCS approved volunteer name tag containing the individual's first and last name, and shall sign a form acknowledging that they understand and will abide by the provisions of this policy.

9.6. PHCS officials are responsible to monitor the behavior and interactions of volunteers while they are serving in PHCS schools or participating in PHCS activities.



- 9.7. Volunteers who fail to comply with the provisions of this policy shall be asked to leave the PHCS school or PHCS activity.
- 9.8. Ultimate responsibility for enforcement of this policy rests with the Executive Director.

10. Religion in the Curriculum

10.1. *Teaching about Religion*

Religious instruction is the responsibility of parents/guardians and religious institutions, but teaching about religion and beliefs of conscience is a legitimate and appropriate part of a complete academic education at the elementary and secondary levels.

10.2. *Instructional Practices*

To ensure that the educational approach to religion is one of academic instruction, not of indoctrination, and that it does not unduly favor religion over non-religion, teachers and PHCS officials shall adhere to the following guidelines

- 10.2.1. Study or presentations about religion or other beliefs of conscience must achieve academic educational objectives, and be presented in a balanced manner within the context of the approved curriculum.
- 10.2.2. PHCS' approach to religion must be academic, not devotional.
- 10.2.3. Students may be exposed to any and all religious views and beliefs of conscience, but they should not be coerced to accept any particular view or belief.
- 10.2.4. The objective study of comparative religions is permissible, but no religious tent, belief, or denomination may be given inappropriate emphasis; PHCS may educate about all religions, but may not promote or denigrate any religion or belief of conscience.
- 10.2.5. Students should be taught to understand a variety of beliefs, and to respect the rights of all people, including the rights of individuals or groups with whom the students may disagree. Teaching about religion and beliefs of conscience should emphasize the role of religion and beliefs of conscience in history and culture, and the importance of religious liberty as a cornerstone of a democratic society.

10.3. *Privacy*

In accordance with federal and state Family Educational Rights and Privacy laws, PHCS officials shall not solicit private information or explanations from students about their personal religious affiliations, beliefs, or practices, without first obtaining proper parent/guardian consent.

11. Religious Music

11.1. *Religious Music in Schools*

- 11.1.1. Seasonally appropriate and sacred religious music may be performed in PHCS schools, if presented in a balanced, prudent, and objective manner.
- 11.1.2. Music should be selected on the basis of its musical quality and educational value rather than its religious content.
- 11.1.3. Music performances must achieve secular educational objectives, and be presented in a balanced manner within the context of the approved curriculum.
- 11.1.4. Teachers should use good judgment and be especially sensitive to the feelings of students who might wish not to participate for religious reasons, and should explore all reasonable alternatives in resolving a student's objection before offering or granting a waiver of participation.



11.2. ***Performances at Religious Services***

- 11.2.1. No PHCS employee or student may be required to attend or participate in any religious service, whether in an individual capacity or as a member of a performing group, regardless of where or when the service is held. No penalty may be assessed for failure to attend or perform in such an activity.
- 11.2.2. Students may voluntarily attend and perform during a religious service as individuals or as members of a group, provided all arrangements are made by students or non-PHCS adults.

11.3. ***Performances in Church-Owned Facilities***

Unless granted an appropriate waiver, students who are members of performing groups, such as school choirs, may be required to rehearse or otherwise perform in a church-owned or operated facility if the following conditions are met

- 11.3.1. The performance is not part of a religious service.
- 11.3.2. The activity of which the performance is a part is neither intended to further a religious objective nor under the direction of a church official AND the activity is open to the general public.

11.4. ***Visits to Church-Owned Facilities***

Unless granted an appropriate waiver, students may be required to visit church-owned facilities when religious services are not being conducted if the visit is intended solely for the purpose of pursuing permissible educational objectives such as those relating to art, music, architecture or history.

12. **Religious Holidays**

12.1. ***No Celebration***

Religious and civic holidays such as Easter, Passover, Rosh Hashanah, Yom Kippur, Thanksgiving, Hanukkah, Christmas, Kwanzaa, and Ramadan, offer opportunities to teach about a variety of religious traditions and beliefs of conscience during the school year.

12.2. ***Other Holidays***

Activities and discussions related to cultural holidays such as Valentine's Day, St. Patrick's Day, and Halloween should be academic in nature. Because these holidays may be viewed by some parents/guardians as having religious connotations, requests for excusal in PHCS activities associated with these holidays should be routinely granted.

12.3. ***Parties***

Class parties associated with seasonal holidays are appropriate insofar as they are consistent with the approved curriculum. However, consistent with PHCS' goal of maximizing instructional time, such parties must not unduly interfere with regular academic activities.

12.4. ***Teaching About Holidays***

The significance of holidays, whether religious or secular, may be explained or discussed in an objective manner as part of regular classroom instruction or as questions from students arise, so as to promote a better understanding among all students.

13. **Religious Symbols**

13.1. ***During Holidays***

- 13.2. The display of religious symbols that are part of religious holidays is permitted as a teaching aid or resource, provided such symbols are displayed as an example of the



cultural heritage of the holiday, and are temporary in nature. Such holidays include, but are not limited to

- 13.2.1. Christmas
- 13.2.2. Kwanzaa
- 13.2.3. Hanukkah
- 13.2.4. Ramadan
- 13.2.5. Easter
- 13.2.6. Passover
- 13.2.7. Valentine's Day
- 13.2.8. St. Patrick's Day
- 13.2.9. Thanksgiving
- 13.2.10. Halloween

13.3. ***Diversity of Symbols***

If any religious symbol is to be part of a display, PHCS will allow for other religious, cultural or ethnic symbols.

14. **Waivers of Participation**

14.1. ***Rights of Individuals***

- 14.1.1. While PHCS acknowledges its obligation to be sensitive and fair toward the personal rights and beliefs of all individuals, merely exposing students to ideas that may offend the religion does not amount to a substantial burden on their religious exercise. Furthermore, it is unconstitutional to allow one person's or one group's religion to determine the curriculum for all others. Consequently, it is PHCS policy to accommodate the legitimate objections of individuals by granting waivers of participation when requested or when no other reasonable alternative is possible.
- 14.1.2. A parent/guardian of a student or student of legal age may request a waiver of participation in any portion of the curriculum or PHCS activity which the requesting party believes to be an infringement upon a right of conscience or the exercise of religious freedom in any of the following ways.
 - 14.1.2.1. It would require participation in a practice that would be offensive to or substantially burdensome on a religion.
 - 14.1.2.2. It would require participation in a practice forbidden by a religious belief or practice, or right of conscience.
 - 14.1.2.3. It would bar participation in a practice required by a religious belief or practice, or right of conscience.
- 14.1.3. A claimed infringement must rise to a level of belief that the PHCS requirement violates a superior duty which is more than personal preference.
- 14.1.4. A parent/guardian or student of legal age requesting a waiver of participation may also suggest an alternative to the PHCS requirement or activity that requires reasonably equivalent performance by the student.
- 14.1.5. In responding to a request for a waiver, PHCS may
 - 14.1.5.1. Waive participation by the student in the objectionable curriculum or activity, with no penalty.
 - 14.1.5.2. Provide a reasonable alternative as suggested by the parent/guardian or student or other reasonable alternative developed in consultation with the requesting party, that will achieve the objectives of the portion of the curriculum or activity for which waiver is sought.



14.1.5.3. Deny the request.

- 14.1.6. A request for waiver shall not be denied unless PHCS officials determine that requiring the participation of the student is the least restrictive means necessary to achieve a compelling PHCS interest.
- 14.1.7. In responding to a request for waiver, PHCS shall not require a student to accept a substandard or educationally deficient alternative.
- 14.1.8. If any portion of any curriculum or activity is repeatedly alleged to interfere with the rights of conscience or exercise of religious freedom of students, such curriculum or activity shall be evaluated by PHCS and to determine whether the educational objectives could be achieved by less intrusive means.

15. Release Time for Religious Instruction

15.1. *General Rule*

- 15.1.1. PHCS may permit the release of students during school hours for attendance at religious classes taught by religious teachers on private property, but not on PHCS premises.
- 15.1.2. Religious classes shall not be held in PHCS buildings or on PHCS property in any way that permits public money or property to be applied to, or that requires PHCS employees to become entangled with any religious worship, exercise, or instruction.
- 15.1.3. Students shall attend released-time classes during the school day only upon the written request and permission of the student's parent/guardian.
- 15.1.4. Because public schools have a legitimate interest in knowing where their students are during school hours, released-time personnel may transmit regular attendance reports to PHCS. However, PHCS personnel may not become entangled with released-time programs by gathering or compiling attendance reports from released-time programs.
- 15.1.5. Teachers of released-time classes are not to be considered members of PHCS faculty or to participate as faculty members in any PHCS function.
- 15.1.6. Schedules of classes shall not include released-time classes. At the convenience of PHCS, registration forms may contain a space indicating "release-time" designation. Scheduling shall be done on forms and supplies furnished by the religious institution and by personnel employed or engaged by the institution and shall occur off PHCS premises.