

# **Religion and Religious Accommodations**

*(Background Information for Policy Review Sub-Committee)*

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School districts acknowledge each individual's rights to follow or not to follow religious beliefs and practices, free from discriminatory or harassing behaviors. Districts strive to provide religious accommodation to students and staff in an equitable and appropriate way. School districts need to recognize and value the religious diversity within its community and be committed to providing a safe, respectful and equitable environment for all, free from all forms of discriminatory or harassing behaviors based on religion.

The Muslim population in the United States has grown in the last decade at a rapid pace. Pew Research estimates that the current U.S. Muslim population of 3.3 million is expected to double by 2050. Although Muslim students in most school districts are a minority, they have become a significant minority in some districts and those districts continue to try to find ways to accommodate the students while remaining in compliance with state and federal laws.

The CAFE Policy Department in 2007 developed policy #6141.22, "Religion and Religious Accommodation," with an accompanying administrative regulation. As religious diversity continues to grow in our country, it is appropriate to update the policy and regulation at this time in order to provide additional guidance.

## **Policy Implications**

Policy #6141.22, "Religion and Religious Accommodation," with an accompanying administrative regulation have been updated and follow for your consideration and use. This is considered an optional policy for inclusion in a district's policy manual.

*An optional sample policy to consider.*

## **Students**

### **Religion and Religious Accommodation**

The District is dedicated to the academic achievement of each of our students. Part of an excellent educational experience is a learning environment where each person is respected and encouraged. The School District should encourage all students and staff members to appreciate and be knowledgeable about each other's religious and cultural views. The School District should utilize its opportunity to foster understanding and mutual respect among staff, students and families, acknowledging our rich diversity in terms of race, culture, sexual orientation, economic background, and religious beliefs.

**Alternate:** The \_\_\_\_\_ Board of Education (Board) recognizes and values the religious diversity within its community and is committed to providing a safe, respectful and equitable environment for all, free from all forms of discriminatory or harassing behaviors based on religion.

Freedom of religion is an individual right and a collective responsibility. The Board commits to work with the community it serves to foster an inclusive learning environment that promotes acceptance and protects religious freedom for all individuals. The Board and its staff will take all reasonable steps to ensure freedom of religion and religious practices consistent with state and federal law. However, the Board expects that students and their families will help the Board to understand their religious needs and will work with the Board and its schools to determine appropriate and reasonable accommodations.

It is the policy of the Board of Education that no religious belief or non-belief should be promoted by the School District or its employees, and none should be disparaged.

The District recognizes that one of its educational goals is to advance student knowledge and appreciation of the role that our religious heritage plays in the social, cultural, and historical development of civilization.

The District also recognizes that it is important to accommodate the rights of its students and staff members to exercise their religious beliefs in a manner that does not substantially disrupt the school and work environment or impinge upon the rights of others. As such, the District will make reasonable accommodations for students and staff members who have particular religious' needs. The level of accommodation the District can provide students and staff must be tempered by the First Amendment's Free Exercise of Religion and Establishment clauses. Schools are not required to accommodate a religious request if granting such a request would place an undue burden on the school, or in the case of requests made by staff members, would fundamentally alter the job duties of the requesting staff member.

## Students

### Religion and Religious Accommodation (continued)

In order for students to be granted a religious accommodation, the student's parent/guardian must submit a written request to the principal of the student's school. The written request must state: (a) the specific accommodation requested; (b) why the accommodation is needed; and (c) the time and duration of the accommodation.

The Board realizes that the accommodation of one student's religious beliefs and practices must never infringe on the religious belief and practices of students belonging to a different religious sect. Schools must respect, but never favor or endorse, one religion over another.

#### *Some optional language to consider if more specificity is desired:*

**Dietary Requirements:** The Board of Education recognizes the multicultural and multi-religious composition of the District's population. Some children because of religious restrictions are prohibited from eating certain foods. If an alternate entrée is not available, the children will be unable to benefit from all food components of the meals served at school. Therefore, an alternative entrée shall be offered when such foods are served for meals.

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| <p><b>Note:</b> Providing meals that are clearly labeled to indicate that they contain pork or pork by-products, with a vegetarian option, would most likely satisfy the district's/school's constitutional duty to provide religious accommodation.</p> |
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**Alternate:** Nothing in this policy is meant to require schools to operate special diet kitchens. Usually there is no difficulty acquiring substitute items. However, if the authorized substitute foods are not normally kept in inventory or are not generally available, the parent/guardian should provide the substitute food items.

**Fasting:** The Board is sensitive to religious periods of fasting. District schools will endeavor to provide appropriate space, other than cafeterias for individuals who are fasting in religious observance. It is further recognized that students who are fasting may need exemptions from certain physical education classes. District schools shall make reasonable efforts to provide appropriate accommodations.

**Family Life and Sex Education:** Students, parents or guardians shall be informed of their right to exempt the student from the family life program. The student will be exempted upon a written request for exemption from his/her parent or guardian.

**Clothing:** The Board recognizes that there are certain religious communities that require specific items of dress. The Board understands that some attire, which is a requirement of religious observance may not conform to the school/district dress code. District schools will reasonably accommodate students with regard to religious attire. Religious attire is not cultural dress; it is a requirement of religious observation.

## Students

### Religion and Religious Accommodation (continued)

#### Clothing: (continued)

The District shall permit exceptions to the student dress code for bona fide religious reasons. Accommodations for prescribed religious attire, which includes but is not limited to, a headscarf, head covers, hijab, burqa, skullcap, Yarmulkes, turbans, and Rastafarian headdress may be permitted.

Where uniforms are worn, administrators may ask the student to wear religious attire in the same color as the uniform (e.g. the head scarves for females); however, it is recognized that there may be religious requirements of color that cannot be modified.

**Classroom Activities:** The Board will seek to reasonably accommodate students where there is a demonstrated conflict between a specific class or curriculum and a religious requirement or observance. Where academic accommodation is requested, the school should have an informed discussion with the student's parents/guardians to understand the nature and extent of the conflict.

The school should make it clear during the discussion that its role is to protect students and staff from harassment and discrimination because of their religion and cultural practices. The school will consider accommodations when these conflict with school routines, activities or curriculum. However, the schools of the district cannot accommodate religious values and beliefs that clearly conflict with Board policies.

It must be noted that when an individual requests an accommodation related to curriculum, the accommodation applies to the individual in question and not to the whole class or to classroom practices in general. A reasonable accommodation based on religious belief consists of exempting the student from a specific portion of a classroom course and offering alternative instruction. (*The U.S. Court of Appeals for the Second Circuit has ruled that parents do not possess a fundamental right "to tell a public school district what his or her child will or will not be taught."*)

**Holidays:** Students are entitled to excused absences for the observances of religious holidays. Students who are absent for the observance of a religious holiday must have the opportunity to make up any missed work, examination or assignment. A student who avails himself/herself of the opportunity to make up any work, examination or assignment because of such observance shall not be penalized based on that absence. A school, through notification in its student handbook, may require parents/legal guardians to notify the principal up to five calendar days prior to any anticipated absence for a religious holiday.

## Students

### Religion and Religious Accommodation (continued)

**Religious Student Clubs:** Student-initiated, non-curriculum-related student groups shall be permitted to conduct voluntary meetings on school grounds during non-instructional time when other non-curriculum groups are permitted to meet, regardless of the size of the group or the religious, political, philosophical, or other content of the speech at the meetings, provided that the meetings do not materially or substantially interfere with the orderly conduct of the educational activities of the school. Such meetings shall be open to all students without regard to race, color, religion or national origin.

**Student Prayer:** Under the Establishment Clause of the First Amendment, school districts may not sponsor prayer in schools. The Board recognizes the significance of prayer in religious practice. District schools will make reasonable efforts to accommodate some individuals' requirements for daily prayer by providing an appropriate location within the building for such students to participate in prayer. (a quiet space in the library, an empty room etc.). Individual students may pray providing it does not disrupt school activities.

**Alternate:** Schools have discretion to dismiss students for off-campus religious instruction, which would include the need of some students for Friday midday prayer at a mosque. Schools may not encourage or discourage participation in such instruction or prayer activity or penalize students for attending or not attending.

Note: The district may provide space but should not implicate the Establishment Clause by dedicating a classroom as a mosque. In addition, the use of staff time to accommodate students' religious needs is both a burden to the school and support for a particular religious practice which is a violation of the First Amendment of the U.S. Constitution. Therefore, no staff time shall be required to monitor or supervise a student's religious activities.)

Schools may adopt/have a policy or practice that does not allow for release time for students for any activity regardless of whether the activity is secular or religious. However, if the district policy or practice provides for release time for secular activities, it must also allow students to participate in religious activities.

(cf. 0521.2 – Religious Neutrality)

(cf. 6115.1 – Religious Observances and Displays)

(cf. 6141.2 – Separation of Church and State)

(cf. 6141.21 – Religion in the Public Schools)

(cf. 6144.1 – Exemption from Instruction)

(cf. 6145 – Extra-Class Activities)

(cf. 6162.51 – Student Surveys)

(cf. 6145.3 – Distribution of Printed Matter, Freedom of School Press; Publications)

(cf. 9030.1 – Religious Guidelines)

## Students

### Religion and Religious Accommodation (continued)

Legal Reference: Connecticut General Statutes  
10-16a Silent meditation.  
10-15c Discrimination in public schools prohibited.  
*Lee v. Weisman*, 112 S. Ct. 2649 (1992).  
*Jones v. Clear Creek Independent School District*, 977 F. 2d 963 (5th Cir. 1992).  
*Harris v. Joint School District*, 41 F.3d 447 (9<sup>th</sup> Cir., 1994).  
*American Civil Liberties Union of NJ v. Black Horse Pike Regional Board of Education*, 84 F.3d 1471 (3<sup>rd</sup> Cir., 1996).  
U.S. Constitution, Amendment 1.  
*Tinker v. Des Moines School District*, 393 U.S. 503 (1969).  
*Lemon v. Kurtzman*, 403 U.S. 602 (1971).  
*Leebaert v. Harrington*, 332 F.3d134, 141 (2<sup>nd</sup> Cir. 2003)  
Equal Access Act, 20U.S.C. Secs. 4071-74.

### Policy adopted:

cps 11/07  
rev 11/16  
rev 5/17

*An administrative regulation to consider.*

## **Students**

### **Religion and Religious Accommodation**

#### **Instruction Related to Religion**

Factual and objective teaching about religion, the impact of religion, and religious-based ideas and ideals may be included in classroom instruction in relation to the District's educational goals and student learning objectives. It is inherent to the teaching of history, literature, social studies, intercultural education, human relations, art, and music to include the contributions of religions and religious movements to this field.

Factual and objective teaching about religion is to be distinguished from the teaching or promotion of religion. Consequently, the legitimate teaching about religion can be conducted but shall not:

1. Utilize instructional materials that promote or encourage non-religion, religion, religious viewpoints, religious groups, or religious activities.
2. Include assemblies and/or programs that promote or encourage religion or non-religion.
3. Take the form of religious instruction, worship, exercise, or persuasion.
4. Attack or promulgate religion or the absence of religion or any particular belief system.
5. Question the religious belief or absence of religious belief of any student.
6. Require a student to declare a religious preference.

The teaching about religion should be done with sensitivity to the feelings and beliefs of all students. The teaching about religion should be consistent with the District's educational program and with student learning objectives.

#### **Displays and Music**

Classroom displays and decorations pertaining to religion or religious symbol(s) or holiday(s) should relate to instruction that is based solely upon the objective study of that subject. No public school funds, property, or facilities shall be used for a decorative display of religious symbols. This procedure shall not infringe upon the rights of students to wear religious symbols in a manner that is not materially and substantially disruptive to the educational process.

Religious musical selections may be included on the basis of their particular musical and educational value and/or traditional secular usage and be presented in concert with other musical works, which are non-religious in nature. Musical pieces should be selected and performed as works of art, not as acts of veneration. Program notes or oral narration shall be provided. These notes should establish an objective context for the performance by giving such information as historical data, identification of the particular groups for which the number has significance, and technical characteristics worthy of note.

## **Students**

### **Religion and Religious Accommodation**

#### **Religious Accommodations – Students**

When concerns related to beliefs and practices arise in schools, collaboration among school, student, family, and religious community is needed in order to develop appropriate accommodation. It is the District's role to ensure equity and respect for the diverse religious beliefs and practices of students and their families and other staff in the school system. (School administrators are not to be placed in the position of monitoring a child's compliance with a religious obligation and enforcing such practices.)

For some District students and staff, there are a number of areas where the practice of their religion will result in a request for accommodation on the part of the school and/or District. These areas include, but are not limited to the following:

- School opening exercises;
- Leave of absence for religious Holy Days;
- Prayer;
- Dietary requirements;
- Fasting;
- Religious dress;
- Modesty requirements in physical education; and
- Participation in daily activities and curriculum.

The above areas of accommodation are discussed in policy 6141.22 preceding this administrative regulation and the cross-referenced policies listed with this regulation.

In order for students to be granted a religious accommodation, the student's parent/guardian must submit a written request to the principal of the student's school. Such requests should be submitted well enough in advance (preferably at the beginning of each school year) to allow the school to make appropriate arrangements and scheduling adjustments. If the request is for an excused absence for a religious event, that request must be made at least three days in advance of the start of the planned absence in accordance with the District's Attendance Procedure. The written request must state:

- 1) the specific accommodation requested;
- 2) why the accommodation is needed; and
- 3) the amount of time, duration, and frequency of the accommodation.

Student handbooks, parent newsletters and school websites should contain information about the procedure to follow to request an accommodation for religious observances and/or holy days.



## **Students**

### **Religion and Religious Accommodation**

#### **Religious Accommodations – Students** (continued)

School personnel shall make a good faith effort to accommodate such requests in a reasonable amount of time, with due consideration given to the law, the responsibility and policies of the District, and the educational program of the school and of the individual student. The primary factors to be considered in determining if a request is to be granted are: the amount of time, duration, and frequency of the accommodation being requested as well as if any disruption to the learning of others will result by granting the request. Parents/guardians have a correlative duty to cooperate in reaching an agreement on a reasonable accommodation. To the extent possible, students are encouraged to fulfill their religious obligations during lunch or a free period.

The District also desires to cooperate with those parents/guardians who wish to provide for religious instruction for their children but also recognizes its responsibility to enforce the attendance requirements of the State of Connecticut. Where reasonable and educationally feasible, individual student schedules may be adjusted to accommodate religious instruction outside the school building.

Students who are excused from class as a religious accommodation must have an opportunity to make up any work, assignment or test missed as a result of the absence. If the school personnel anticipate denying a request for a religious accommodation for a student, they should consult with the Superintendent or his/her designee, in order to provide for legal counsel, prior to communicating that denial.

#### **Religious Accommodations – Staff**

The District can accommodate requests that do not impose an undue hardship upon the District or that do not fundamentally alter the job duties of the requesting staff member. For example, the District would not be able to accommodate a FTE teacher's request to have every Friday off to participate in a religious observance, as presence during the entire school week is a fundamental job duty of a FTE teacher.

Staff should address requests for a religious accommodation to their immediate supervisor or to the Superintendent's Office.

The absence of employees due to religious observances should be granted as determined by District policy and the appropriate collective bargaining unit agreement.

(cf. 0521.2 – Religious Neutrality)

(cf. 6115.1 – Religious Observances and Displays)

(cf. 6141.2 – Separation of Church and State)

(cf. 6141.21 – Religion in the Public Schools)

## Students

### Religion and Religious Accommodation

- (cf. 6144.1 – Exemption from Instruction)
- (cf. 6145 – Extra-Class Activities)
- (cf. 6162.51 – Student Surveys)
- (cf. 6145.3 – Distribution of Printed Matter, Freedom of School Press; Publications)
- (cf. 9030.1 – Religious Guidelines)

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