

ECF—Curriculum: Religious Neutrality

Constitutional Freedom in Public Schools

Any school in the District, in accordance with State Office of Education policy, may undertake any instructional activity, performance or display which includes examination of or presentations about religion, political or religious thought or expression, or the influence thereof on music, art, literature, law, politics, history or any other element of the curriculum, including the comparative study of religions, provided it is designed to achieve secular educational objectives included within the context of a course or activity and conducted in accordance with applicable rules of this District.

Utah Code Ann. § 53A-13-101.1(1) (1993)

No aspect of cultural heritage, political theory, moral theory, or societal value shall be either included within or excluded from school curricula for the primary reason that it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being.

Utah Code Ann. § 53A-13-101.1(2) (1993)

Religious Neutrality

School officials and employees may not use their positions to endorse, promote, or disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint. District schools may not sponsor prayer or religious devotionals.

Utah Code Ann. § 53A-13-101.1(3), (4) (1993)

Participation Waivers

If a parent with legal custody or other legal guardian of a student, or if a secondary student, determines that the student's participation in a portion of the curriculum or in an activity would require the student to affirm or deny a religious belief or right of conscience or engage or refrain from engaging in a practice forbidden or required in the exercise of a religious right or right of conscience, the parent, guardian or student may request either (1) a waiver of the requirement to participate or (2) a reasonable alternative that requires reasonably equivalent performance by the student of the secular objectives of the curriculum or activity in question.

If a student makes a request under the above paragraph for a waiver or a reasonable alternative, the school administration shall promptly notify the student's parent or guardian that such a request has been made, including the substantive nature of the portion of the curriculum or activity for which the student requests a waiver or alternative.

The Principal, in consultation with the student's teacher, and after consulting with the student and the student's parents, shall notify the student and the student's parent or legal guardian of the Principal's decision. The school may elect one of the following options:

- 1) To waive the participation requirement;
- 2) To provide a reasonable alternative to the requirement; or,
- 3) To notify the requesting party that the participation is required.

If the school determines that participation is required, the school shall ensure that any limitation on student expression, practice or conduct shall be by the least restrictive means necessary to satisfy the school's interest in fulfilling curriculum objectives, or that the limitation satisfies another specifically identified compelling governmental interest.

Utah Code Ann. § 53A-13-101.2 (1996 2nd S.S.)

Utah Code Ann. § 53A-13-101.3(3) (1993)

Expressions of Belief

Expression of personal beliefs by a student participating in school-directed curricula or activities may not be prohibited or penalized unless the expression unreasonably interferes with order or discipline, threatens the well-being of persons or property, or violates concepts of civility or propriety appropriate to the school setting.

Utah Code Ann. § 53A-13-101.3(1) (1993)

Expressions of Belief During Discretionary Time

Free expression of voluntary religious practice or freedom of speech by students during discretionary time, (non-instructional time during which a student is free to pursue personal interests), shall not be denied unless:

- 1) The conduct unreasonably interferes with the ability of school officials to maintain order and discipline;
- 2) Unreasonably endangers persons or property; or,
- 3) Violates concepts of civility or propriety appropriate to the school setting.

Any limitation under this section on student, expression, practice, or conduct shall be by the least restrictive means necessary to satisfy the school's interests in fulfilling curriculum objectives or to satisfy another specifically identified compelling governmental interest.

Utah Code Ann. § 53A-13-101.3 (1993)