



**Policy #43. Religion in the School (MSBA #306)**

**Adopted by St. Cloud Math and Science Academy Board of Education: June 1, 2014**

**I. PURPOSE**

The purpose of this policy is to identify the status of religion as it pertains to the teaching/learning programs and activities of St. Cloud Math and Science Academy.

**II. GENERAL STATEMENT OF POLICY**

- A. SCMSA also recognizes that religion has had and is having a significant role in the social, cultural, political, and historical development of civilization.
- B. SCMSA recognizes that one of its educational objectives is to increase its students' knowledge and appreciation of music, art, drama, and literature which may have had a religious basis or origin as well as a secular importance.
- C. The historical and contemporary values and the origin of various religions, holidays, customs and beliefs may be explained (or taught) in an unbiased and nonsectarian manner. This may include religious (from a variety of traditions) music, art, drama, and literature in the curriculum and in school activities provided it is intrinsic to the learning experience and is only presented in an objective manner without sectarian indoctrination.
- D. SCMSA will support all policies, laws and constitutional requirements relating to separation of church and state.

**III. RESPONSIBILITY**

- A. It shall be the responsibility of the school leader to ensure that the study of religious materials, customs, beliefs and holidays in the school district is in keeping with the attached Minnesota Association of Charter School's "Policy Statement on Public Charter Schools and Religion" and the following guidelines:
  - 1. The proposed activity must have a secular purpose.

2. The primary objective of the activity must be one that neither advances nor inhibits religion and the primary and sole purpose of the activity is to instruct about traditions and not to advance religion or religious beliefs.
  3. The activity must not foster excessive governmental relationships with religion.
  4. Notwithstanding the foregoing guidelines, reasonable efforts will be made to accommodate any student who wishes to be excused from attendance at school for the purpose of observance of religious holidays.
  5. In addition, the school leader and board chair at SCMSA will:
    - Provide training to board members, administrators, teachers and staff members so that they fully understand the constitutional and legal precepts that apply to charter schools with regard to the establishment clause, the accommodation of religious needs and requirements of students, and the teaching of religion in public schools.
    - Establish policies to assure that the school is in compliance with the federal and state constitutions, laws and regulations regarding religious expression, accommodations of religious needs and requirements, and the teaching of religion in the school.
    - Continually inform and educate parents about the fact that SCMSA is a public school and about the school's policies relating to religious expression, accommodation and the teaching of religions in the school.
    - Will fully cooperate with the school's authorizer if there is a perception that the school's practices (real or otherwise) are going beyond what has been deemed constitutional in terms of accommodation or the teaching of religions. SCMSA will fully support investigations by proper authorities of any alleged violations.
- B. The school leader is required to annually develop and present for authorizer and school board review and approval directives and guidelines for the purpose of providing guidance relative to any and all teaching materials and teaching/learning schedules related to religion. Approved directives and guidelines shall be attached as an addendum to this policy.

- Legal References:**
- U. S. Const., amend. I
  - Minn. Stat. § 120A.22, Subd. 12(3) (Compulsory Instruction)
  - Minn. Stat. § 120A.35 (Absence From School for Religious Observance)
  - Good News Club v. Milford Central School*, 533 U.S. 98, 121 S.Ct. 2093, 150 L.Ed.2d 151 (2001)
  - Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 120 S.Ct. 2266 (2000)
  - Tangipahoa Parish Bd. of Educ. v. Freiler*, 530 U.S. 1251, 120 S.Ct. 2706 (2000)
  - Lemon v. Kurtzman*, 403 U.S.602, 91 S.Ct. 2105, 29 L.Ed.2d 745 (1971)
  - Wigg v. Sioux Falls Sch. Dist.*, 382 F.3d 807 (8<sup>th</sup> Cir. 2004)
  - Doe v. School Dist. of City of Norfolk*, 340 F.3d 605 (8<sup>th</sup> Cir. 2003)
  - Stark v. Independent Sch. Dist. No. 640*, 123 F.3d 1068 (8<sup>th</sup> Cir. 1997)
  - Florey v. Sioux Falls Sch. Dist. 49-5*, 619 F.2d 1311 (8<sup>th</sup> Cir. 1980)
  - Roark v. South Iron R-1 Sch. Dist.*, 540 F.Supp.2d 1047 (E.D. Mo. 2008)
  - LeVake v. Independent Sch. Dist. No. 656*, 625 N.W.2d 502 (Minn. App. 2001)

Minn. Op. Atty. Gen. 169-J (Feb. 14, 1968)  
Minn. Op. Atty. Gen. 169-K (Oct. 21, 1949)  
Minn. Op. Atty. Gen. 63 (1940)  
Minn. Op. Atty. Gen. 120 (1924)  
Minn. Op. Atty. Gen. 121 (1924)

## **Minnesota Association of Charter Schools A Policy Statement on Public Charter Schools and Religion**

In establishing charter schools in 1991, the MN Legislature created a new type of organization for providing public education opportunities for the young people in Minnesota. It provided a means for a nonprofit or cooperative group of educators, parents and community folks to be granted a “public charter” for the purpose of establishing new, different and innovative public schools. The charter law, MN Statute 124.D Subd.7 explicitly states that “*A charter school is a public school and is part of the state’s system of public education.*” This means that, while the organization that governs a charter school is a nonprofit or a cooperative, the school program itself is a public school.

Thus, the idea or concept of a “religious public charter school’ is a fallacious concept. Such an institution is a violation of both the federal and state constitutions; such a school is contrary to the letter and spirit of Minnesota’s charter school law.

By virtue of the fact that charter schools are part of the public education system in Minnesota, charter schools are covered by the First Amendment. Thus, charter schools are subject to the Establishment Clause of the United States Constitution, which is often referred to as the “separation of church and state.”

“When applying the Establishment Clause to public schools, the Court often emphasizes the importance of ‘neutrality’ by school officials toward religion. This means that public schools may neither inculcate nor inhibit religion. They also may not prefer one religion over another – or religion over non-religion.”<sup>1</sup> Thus, charter schools as public schools should not do anything that promotes a particular religion or faith.

The Minnesota Association of Charter Schools believes that, while public education and religious institutions both seek to instill civic and moral ideals in young people, public charter schools and religious institutions have different, distinct and unique roles in the development of young people.

Therefore:

- We expect that every charter school has an initiative to assure that board members, administrators, teachers and staff members know and understand the constitutional and legal precepts that apply to charter schools with regard to the establishment clause, the accommodation of religious needs and requirements of students, and the teaching of religion in public schools.
- We expect that every charter school board has established policies to assure that the school is in compliance with the federal and state constitutions, laws and regulations regarding religious expression, accommodations of religious needs and requirements, and the teaching of religion in the school.
- We expect that every charter school has an initiative to continually inform and educate parents about the fact that charter schools are public schools and about the school policies related to religious expression, accommodation and the teaching of religions in the school.

- We expect that, if there is a charter school whose policy or practices are going beyond what has been deemed constitutional in terms of accommodation or the teaching of religions, investigations of alleged violations should be undertaken by the proper authorities.
- We further expect that, if an investigation finds a charter school is violating the law or is acting contrary to the spirit of the law, the school will immediately take action to reform its policies or practices. If a school does not act to correct the violations, we support the sponsoring agency or the state taking action to end the charter and close the school.

A charter school that operates in violation of the basic tenants of the constitution and the law not only undermines the charter school community - it undermines religious liberty and democracy itself.

*Approved by the MACS Board of Directors, April 2008*

i Charles C. Haynes, Sam Chaltain, John Ferguson Jr., David L. Hudson Jr., Oliver Thomas, *The First Amendment in Schools*

(ASCD, Alexandria, VA/First Amendment Center, Nashville TN) 36.