

MODEL POLICY #8

PRAYER IN SCHOOLS

Why Adopt This Policy?

School boards should consider adopting a policy that acknowledges and upholds religious freedom rights of students and teachers in the District. This policy provides guidelines related to student religious freedom as well as guidelines related to the rights of school staff to express and practice their religious beliefs in a way that maintains a professional learning environment and prioritizes student academic achievement.

Policy

The district recognizes the importance of religious freedom, including the freedom of individuals to pray. This policy is established to provide guidance on prayer in district schools. This policy also provides guidelines for respecting the rights of teachers to express and practice their religious beliefs while maintaining a professional learning environment that prioritizes student academic achievement.

Student Religious Freedom

The district acknowledges and respects the right of students to freely exercise their religion, including the right to engage in personal and voluntary prayer. Students shall not face discrimination based on their religious beliefs or expression or for a lack thereof. School officials may not impose rules on religious student speech and activities if they discriminate against student speech or activities for being religiously motivated or reflecting a religious perspective.

Students may pray with fellow students during the school day on the same terms and conditions that they may engage in other conversations or activities unrelated to school curriculum. Students may also speak to their peers about religious matters just as they may do with other matters unrelated to school curriculum. Students may distribute religious literature to their classmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities.

Students may express their beliefs about religion in their homework, art work, and in written and oral reports. Such work shall be evaluated by the regular academic standards, free of discrimination based on religious content.

The district shall provide students with the opportunity to form religious clubs or organizations, subject to the same guidelines as non-religious clubs. Religious clubs shall be student-initiated and student-led.

School Staff Religious Freedom

The district acknowledges the right of teachers to practice their religious beliefs and expressions, in accordance with federal and state laws.

School staff may take part in protected religious expression such as prayer, even during their workday, in a manner that does not disrupt the educational environment or interfere with their professional duties. Teachers may wear religious attire or symbols consistent with these principles.

When teachers, coaches, and other public officials speak in their official capacities, they may not engage in prayer or promote religious views. Staff shall not initiate, lead, or participate in prayer activities with students during instructional time. In contexts where the district permits teachers, coaches, and other employees to engage in personal speech, however, it may not prohibit those employees from engaging in prayer merely because it is religious or because some observers, including students, might misperceive the school as endorsing that expression. The district will not sponsor, endorse, or organize any official prayer or religious activity as part of school events, ceremonies, or programs.

Teachers shall not face discrimination or adverse actions based on their religious beliefs or expression.

The district will annually certify in writing to the Department of Public Instruction that it has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public schools.



Legal Analysis

First Amendment; *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 142 S. Ct. 2407, 213 L. Ed. 2d 755 (2022) (holding that the prayers of a football coach on the field after games was private speech and that the school was not justified in restricting it); *Morse v. Frederick*, 551 U.S. 393, 397 (2007) (the rights of students “must be ‘applied in light of the special characteristics of the school environment’” (quoting *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 266 (1988) (quoting *Tinker*, 393 U.S. at 506))); *Mahanoy Area Sch. Dist. v. B. L. by and through Levy*, 141 S. Ct. 2038, 2045 (2021); *Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006); *accord Lane v. Franks*, 573 U.S. 228, 134 S. Ct. 2369, 189 L. Ed. 2d 312 (2014); 20 U.S.C. § 7904a.



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